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HOUSE BILL 2567

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Ruderman, Nixon, Cooper, Morris and Simpson, G.

Read first time 01/16/2004. Referred to Committee on Judiciary.

1            AN ACT Relating to limiting homeowners' associations authority to  
2 restrict the use of fire resistant roofing materials; amending RCW  
3 64.38.020; and adding a new section to chapter 64.38 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 64.38 RCW  
6 to read as follows:

7            The governing documents of an association may not prohibit the  
8 owner of residential real property located within the association's  
9 jurisdiction from using fire resistant roofing materials that are:

10            (1) Compatible with the structural and architectural design of the  
11 residence; and

12            (2) Compatible with the general design aesthetics of other  
13 residential real property located within the association's  
14 jurisdiction.

15            **Sec. 2.** RCW 64.38.020 and 1995 c 283 s 4 are each amended to read  
16 as follows:

17            (1) Unless otherwise provided in the governing documents, an  
18 association may:

1           ~~((1))~~ (a) Adopt and amend bylaws, rules, and regulations;  
2           ~~((2))~~ (b) Adopt and amend budgets for revenues, expenditures, and  
3 reserves, and impose and collect assessments for common expenses from  
4 owners;  
5           ~~((3))~~ (c) Hire and discharge or contract with managing agents and  
6 other employees, agents, and independent contractors;  
7           ~~((4))~~ (d) Institute, defend, or intervene in litigation or  
8 administrative proceedings in its own name on behalf of itself or two  
9 or more owners on matters affecting the homeowners' association, but  
10 not on behalf of owners involved in disputes that are not the  
11 responsibility of the association;  
12           ~~((5))~~ (e) Make contracts and incur liabilities;  
13           ~~((6))~~ (f) Regulate the use, maintenance, repair, replacement, and  
14 modification of common areas;  
15           ~~((7))~~ (g) Cause additional improvements to be made as a part of  
16 the common areas;  
17           ~~((8))~~ (h) Acquire, hold, encumber, and convey in its own name any  
18 right, title, or interest to real or personal property;  
19           ~~((9))~~ (i) Grant easements, leases, licenses, and concessions  
20 through or over the common areas and petition for or consent to the  
21 vacation of streets and alleys;  
22           ~~((10))~~ (j) Impose and collect any payments, fees, or charges for  
23 the use, rental, or operation of the common areas;  
24           ~~((11))~~ (k) Impose and collect charges for late payments of  
25 assessments and, after notice and an opportunity to be heard by the  
26 board of directors or by the representative designated by the board of  
27 directors and in accordance with the procedures as provided in the  
28 bylaws or rules and regulations adopted by the board of directors, levy  
29 reasonable fines in accordance with a previously established schedule  
30 adopted by the board of directors and furnished to the owners for  
31 violation of the bylaws, rules, and regulations of the association;  
32           ~~((12))~~ (l) Exercise any other powers conferred by the bylaws;  
33           ~~((13))~~ (m) Exercise all other powers that may be exercised in  
34 this state by the same type of corporation as the association; and  
35           ~~((14))~~ (n) Exercise any other powers necessary and proper for the  
36 governance and operation of the association.  
37           (2) No association may enact, enforce, or maintain bylaws, rules,

1 or regulations that prohibit the owner of residential real property  
2 located within the association's jurisdiction from using fire resistant  
3 roofing materials that are:

4 (a) Compatible with the structural and architectural design of the  
5 residence; and

6 (b) Compatible with the general design aesthetics of other  
7 residential real property located within the association's  
8 jurisdiction.

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