

SB 6169 - S AMD 53

By Senators Kohl-Welles, Fairley, Benton

ADOPTED 02/13/2006

1 On page 2, after line 14, insert the following:

2 "(2) Upon the board's receipt of a written request by a member of
3 the association that the board exercise its amending authority granted
4 under subsection (1) of this section, the board must, within a
5 reasonable time, amend the governing documents, as provided under this
6 section."

7 Renumber the remaining subsections consecutively and correct any
8 internal references accordingly.

9 On page 3, after line 16, insert the following:

10 "(7) Except as otherwise provided in subsection (2) of this
11 section, (a) nothing in this section creates a duty on the part of
12 owners, occupants, tenants, associations, or boards to amend the
13 governing documents as provided in this section, or to bring an action
14 as authorized under this section and RCW 49.60.227; and (b) an owner,
15 occupant, tenant, association, or board is not liable for failing to
16 amend the governing documents or to pursue an action in court as
17 authorized under this section and RCW 49.60.227."

EFFECT: Provides that a homeowners' association board is required to amend, within a reasonable time, their governing documents upon receiving a written request from any association member. Clarifies that a homeowner, occupant, or tenant does not have a duty to amend, and is not liable for failure to amend, their governing documents under this act. It is further clarified that an association board only has a duty to amend, or is liable for failure to amend, in the event that the board fails to act within a reasonable time after receiving a

written request to amend the governing documents for the purpose of removing restrictive covenants, as provided in this act.

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