
HOUSE BILL 2191

State of Washington 59th Legislature 2005 Regular Session

By Representatives Nixon, Simpson, Springer and Tom

Read first time 02/22/2005. 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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