

HOUSE BILL REPORT

HB 1473

As Reported By House Committee On:

Government Operations

Title: An act relating to roads within a homeowner's association.

Brief Description: Requiring the county to take over roads within a homeowner's association in certain specified circumstances.

Sponsors: Representatives Quall, Goldsmith, Kremen and Hymes.

Brief History:

Committee Activity:

Government Operations: 2/7/95, 2/28/95 [DPS].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

Minority Report: Do not pass. Signed by 5 members: Representatives Rust, Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Staff: Bill Lynch (786-7092).

Background: There has been at least one instance where a moratorium on developing single family homes within the boundaries of a homeowners association has made it difficult for the association to collect the necessary homeowner's dues to maintain the roads.

Summary of Substitute Bill: A homeowner's association in a county with a population over 100,000 that abuts the international border is entitled to receive 50 percent of the county road levy levied on property within the boundaries of the association for road construction and maintenance when certain conditions are met.

These conditions are: (1) a homeowners' association must exist with valid enforceable covenants and be located in an unincorporated area; (2) the covenants include a fixed schedule for road construction or improvement within the association's

boundaries; and (3) a moratorium on the issuance of new building permits for single-family housing has been enacted in the area that includes the homeowners' association. The homeowner's association receives these distributions of the county road levy until the moratorium is removed.

The obligations of homeowners to the homeowners' association are unaffected by the receipt of county road levy money.

Substitute Bill Compared to Original Bill: The original bill required the county to form a county road service district to operate within the boundaries of a homeowner's association when a moratorium on building permits was enacted. The original bill also applied to any county within the state.

Appropriation: None.

Fiscal Note: Requested on substitute on March 6, 1995.

Effective Date of Substitute Bill: The bill declares an emergency and takes effect immediately.

Testimony For: People are unable to build on their lots because of a moratorium on development so they stop paying their homeowner's assessments. As a consequence, homeowner's association lacks the funds to maintain the roads in accordance with the covenants. Some temporary relief is needed.

Testimony Against: A cooperative solution rather than a legislative solution is needed. This transfers the problem of private roads to the counties. These private roads are probably not built to county standards.

Testified: Representative Quall, prime sponsor; Warren Laing, Robert Felix and William Vert, Sudden Valley Community Association; and Curt Eschels, Washington State Association of Counties.