
HOUSE BILL 2490

State of Washington 57th Legislature 2002 Regular Session

By Representatives Miloscia, Eickmeyer, Simpson and Schual-Berke

Read first time 01/18/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to the erection of a temporary fence or barrier
2 near water bodies to protect children residing within a homeowners'
3 association jurisdiction; and amending RCW 64.38.020.

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

5 **Sec. 1.** RCW 64.38.020 and 1995 c 283 s 4 are each amended to read
6 as follows:

7 (1) Unless otherwise provided in the governing documents, an
8 association may:

9 ~~((1))~~ (a) Adopt and amend bylaws, rules, and regulations;

10 ~~((2))~~ (b) Adopt and amend budgets for revenues, expenditures, and
11 reserves, and impose and collect assessments for common expenses from
12 owners;

13 ~~((3))~~ (c) Hire and discharge or contract with managing agents and
14 other employees, agents, and independent contractors;

15 ~~((4))~~ (d) Institute, defend, or intervene in litigation or
16 administrative proceedings in its own name on behalf of itself or two
17 or more owners on matters affecting the homeowners' association, but
18 not on behalf of owners involved in disputes that are not the
19 responsibility of the association;

1 ~~((+5+))~~ (e) Make contracts and incur liabilities;
2 ~~((+6+))~~ (f) Regulate the use, maintenance, repair, replacement, and
3 modification of common areas;
4 ~~((+7+))~~ (g) Cause additional improvements to be made as a part of
5 the common areas;
6 ~~((+8+))~~ (h) Acquire, hold, encumber, and convey in its own name any
7 right, title, or interest to real or personal property;
8 ~~((+9+))~~ (i) Grant easements, leases, licenses, and concessions
9 through or over the common areas and petition for or consent to the
10 vacation of streets and alleys;
11 ~~((+10+))~~ (j) Impose and collect any payments, fees, or charges for
12 the use, rental, or operation of the common areas;
13 ~~((+11+))~~ (k) Impose and collect charges for late payments of
14 assessments and, after notice and an opportunity to be heard by the
15 board of directors or by the representative designated by the board of
16 directors and in accordance with the procedures as provided in the
17 bylaws or rules and regulations adopted by the board of directors, levy
18 reasonable fines in accordance with a previously established schedule
19 adopted by the board of directors and furnished to the owners for
20 violation of the bylaws, rules, and regulations of the association;
21 ~~((+12+))~~ (l) Exercise any other powers conferred by the bylaws;
22 ~~((+13+))~~ (m) Exercise all other powers that may be exercised in
23 this state by the same type of corporation as the association; and
24 ~~((+14+))~~ (n) Exercise any other powers necessary and proper for the
25 governance and operation of the association.
26 (2) An association may not prohibit an owner of residential real
27 property contiguous to a pool, lake, or waterway from erecting a
28 temporary fence or barrier, the construction and design of which may be
29 subject to approval by the board of directors, to ensure the safety of
30 young children.

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