

---

**SUBSTITUTE HOUSE BILL 1259**

---

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Seaquist and Kelley)

READ FIRST TIME 02/15/11.

1       AN ACT Relating to the notice requirement for homeowners'  
2 associations meetings; and amending RCW 64.38.035.

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

4       **Sec. 1.** RCW 64.38.035 and 1995 c 283 s 7 are each amended to read  
5 as follows:

6       (1) A meeting of the association must be held at least once each  
7 year. Special meetings of the association may be called by the  
8 president, a majority of the board of directors, or by owners having  
9 ten percent of the votes in the association.

10       (2) Not less than fourteen nor more than sixty days in advance of  
11 any meeting of the association, the secretary or other officers  
12 specified in the bylaws shall (~~cause notice to be hand delivered or~~  
13 sent)) provide written notice to each owner of record by:

14       (a) Hand delivery to the mailing address of the owner or other  
15 address designated in writing by the owner;

16       (b) Prepaid ((by)) first-class United States mail to the mailing  
17 address of ((each)) the owner or to any other mailing address  
18 designated in writing by the owner; or

1       (c) Electronic transmission to an address, location, or system  
2 designated in writing by the owner. Notice to owners by an electronic  
3 transmission complies with this section only with respect to those  
4 owners who have delivered to the secretary or other officers specified  
5 in the bylaws a written record consenting to receive electronically  
6 transmitted notices. An owner who has consented to receipt of  
7 electronically transmitted notices may revoke the consent at any time  
8 by delivering a written record of the revocation to the secretary or  
9 other officer specified in the bylaws. Consent is deemed revoked if  
10 the secretary or other officer specified in the bylaws is unable to  
11 electronically transmit two consecutive notices given in accordance  
12 with the consent.

13       (3) The notice of any meeting shall state the time and place of the  
14 meeting and the business to be placed on the agenda by the board of  
15 directors for a vote by the owners, including the general nature of any  
16 proposed amendment to the articles of incorporation, bylaws, any budget  
17 or changes in the previously approved budget that result in a change in  
18 assessment obligation, and any proposal to remove a director.

19       ~~((+2))~~ (4) Except as provided in this subsection, all meetings of  
20 the board of directors shall be open for observation by all owners of  
21 record and their authorized agents. The board of directors shall keep  
22 minutes of all actions taken by the board, which shall be available to  
23 all owners. Upon the affirmative vote in open meeting to assemble in  
24 closed session, the board of directors may convene in closed executive  
25 session to consider personnel matters; consult with legal counsel or  
26 consider communications with legal counsel; and discuss likely or  
27 pending litigation, matters involving possible violations of the  
28 governing documents of the association, and matters involving the  
29 possible liability of an owner to the association. The motion shall  
30 state specifically the purpose for the closed session. Reference to  
31 the motion and the stated purpose for the closed session shall be  
32 included in the minutes. The board of directors shall restrict the  
33 consideration of matters during the closed portions of meetings only to  
34 those purposes specifically exempted and stated in the motion. No  
35 motion, or other action adopted, passed, or agreed to in closed session  
36 may become effective unless the board of directors, following the  
37 closed session, reconvenes in open meeting and votes in the open  
38 meeting on such motion, or other action which is reasonably identified.

1 The requirements of this subsection shall not require the disclosure of  
2 information in violation of law or which is otherwise exempt from  
3 disclosure.

--- END ---