
HOUSE BILL 1259

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Seaquist and Kelley

Read first time 01/18/11. Referred to Committee on Judiciary.

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 unless the owner provides to the
3 secretary or other officers specified in the bylaws a written request
4 not to receive notices by electronic transmission.

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

11 ((+2)) (4) Except as provided in this subsection, all meetings of
12 the board of directors shall be open for observation by all owners of
13 record and their authorized agents. The board of directors shall keep
14 minutes of all actions taken by the board, which shall be available to
15 all owners. Upon the affirmative vote in open meeting to assemble in
16 closed session, the board of directors may convene in closed executive
17 session to consider personnel matters; consult with legal counsel or
18 consider communications with legal counsel; and discuss likely or
19 pending litigation, matters involving possible violations of the
20 governing documents of the association, and matters involving the
21 possible liability of an owner to the association. The motion shall
22 state specifically the purpose for the closed session. Reference to
23 the motion and the stated purpose for the closed session shall be
24 included in the minutes. The board of directors shall restrict the
25 consideration of matters during the closed portions of meetings only to
26 those purposes specifically exempted and stated in the motion. No
27 motion, or other action adopted, passed, or agreed to in closed session
28 may become effective unless the board of directors, following the
29 closed session, reconvenes in open meeting and votes in the open
30 meeting on such motion, or other action which is reasonably identified.
31 The requirements of this subsection shall not require the disclosure of
32 information in violation of law or which is otherwise exempt from
33 disclosure.

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