

Comment by Donald Coleman 1046 Crestlane (Village X):

We are told that updating the VGC's legal documents to comply with RCW 64.90 would "better protect" homeowners. I certainly do not see how - and suspect that many of the homeowners also are not aware of how switching from the current law (RCW 64.38) to the newer RCW would benefit us. Can the board provide the membership a summary of the specific ways in which converting to RCW 64.90 "better protects" the homeowners? Protects us from what, exactly? And how?

Perhaps a better understanding would convince me - and others - to support this (expensive) effort.

There is no requirement for a community established prior to 2018 (such as The Villages) to change our documents to comply with the new law. So these are important - and relevant- questions.

Response by Kurt Carlson 921 SE LARKSPUR (Village 2):

To quote the Community Associations Journal from September 2018 shortly after 64.90 became law:

The existing statutes that govern how community associations are regulated are vague and have led to many disputes between owners and their associations. WUCIOA attempts to remedy that lack of clarity, and provides specific guidance about the rights and obligations of the owners and the association, and even banks that loan money to purchasers.

To cite a specific example, your lawsuit argued that Botimer should not have been allowed to vote by proxy as a director for the 2017 exit, but as the judge's appeals decision noted:

At the time of the exit amendment votes in December 2017, chapter 64.38 RCW governed homeowners' associations (HOA). That chapter had no provisions prohibiting any HOA director from using proxies to vote.

Since 2018 the Boards have, by my observation, attempted to follow the guidance of 64.90 even though the existing CCRs are horribly flawed with exorbitant Declarant rights (Declarant no longer exists) and an ARC structured independent of the Board or any control of the membership. We do want to get onto 64.90 and have documents consistent with 64.90.