

July 2024

Q: Updating the Bylaws to conform with State Law.

A: The state of the law is a bit in flux right now due to the legislature passing a law that RCW 64.90 will become the law of the land in January 2028. Given this, Riviera should be thinking about when is the appropriate time to rewrite its governing documents to conform to the new statute. The Association can choose to do so well before 2028 and “opt-in” to the statute well before it is due to take effect. Alternatively, the Association can hold off until 2027 and go through the rewrite process then, which would allow the Association to ensure any and all revisions to the statute which take place between now and 2028 are incorporated into the new rewritten governing documents. Ultimately, the Association needs to rewrite the documents, it is just a matter of *when* that occurs. As discussed, I think a very reasonable approach would be to wait until the legislative session for 2025 occurs and then move ahead with the rewrite project to incorporate all of the revisions made to the statute in 2025 into the new governing documents.

In the meantime, as directed today, I will move ahead to draft an amendment to the Bylaws to eliminate term limits and will ensure there is language in the Bylaws which authorizes electronic notice (notice by e-mail). As we discussed, WA law already allows the Association to provide notice via e-mail to every owner that has signed a consent authorizing receipt of Association notice by e-mail. Please find attached a consent form that can be provided to all owners for this purpose. Upon receipt of a signed consent form, the Association is authorized to provide all formal Association notices and communications to this e-mail address unless/until the Association receives two consecutive notices the e-mail is undeliverable. Let me know if you or the Board have any questions on this.