

Harney View Park and Road Association
Legal Opinion re Impact of WUCIOA on Assessment Votes

The Association received the following opinion from VF Law, a firm that specializes in real estate matters including Homeowners' Association law.

From: Tony Rafel <Tony.Rafel@vf-law.com>
Sent: Tuesday, August 4, 2026 2:28 PM
To: Thieme, Daniel <DThieme@littler.com>
Cc: Jacques Retief (jacques_retief@yahoo.com) <jacques_retief@yahoo.com>; Alan Schulman (schulman49@gmail.com) <schulman49@gmail.com>
Subject: Re: Harney View Park and Road Association - Impact of RCW 64.90.525 on Assessment Vote in 2026

Dan,

Harney View Park and Road Association (HVPRA) is a "miscellaneous community" under WUCIOA. See RCW 64.90.010(34). Accordingly, under RCW 64.90.365(2), the existing provisions of HVPRA's governing documents have been "superseded" by RCW 64.90.525 with respect to budgets, assessments and special assessments. RCW 64.90.525 is thus mandatory for residential HOAs. The governing documents may specify a larger percentage to reject a proposed budget than a majority of owners, which is the default, but the requirements of RCW 64.90.525 are otherwise not subject to modification. See RCW 64.90.015(2)(ee).

Under RCW 64.90.525, the procedure for adoption by a miscellaneous community of any assessment – regular or special – is the same. The board adopts a proposed budget and schedule of assessments and schedules a meeting of the owners to consider ratification of the proposed budget and assessments. "Unless at that meeting the unit owners of units to which a majority of the votes in the association are allocated or any larger percentage specified in the declaration reject the budget, the budget and the assessments against the units included in the budget are ratified, whether or not a quorum is present." RCW 64.90.525(1)(a).

While the HVPRA Declaration provides for an affirmative 2/3 vote to approve a special assessment for dock replacement, it is silent as to the percentage of owners required to *reject* a proposed budget; it does not specify a higher percentage than a majority for rejection. In my opinion, therefore, the statute governs as written, and the 2/3 vote requirement in the declaration and the quorum provisions in the declaration and bylaws are inapplicable to a proposed special assessment. The budget and assessment adopted by the HVPRA and presented to the owners for ratification will be ratified unless it is rejected by a majority of the total voting power, whether or not a quorum is present.

The board has the discretion to adopt (and propose for ratification) an assessment payable in a single year or over multiple years. "The board may provide that the special assessment may be due and payable in installments over any period it determines and may provide a discount for early payment." RCW 64.90.525(3). The duration of the assessment does not change the required procedure for adoption and ratification.

I believe this answers your questions. Please let me know if you have any further questions.

Regards, Tony

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