

SENATE BILL REPORT

SB 5560

As Reported By Senate Committee On:
Financial Institutions, Housing & Consumer Protection, February 10, 2005

Title: An act relating to records of members of homeowners' associations.

Brief Description: Protecting email addresses of members of homeowners' associations.

Sponsors: Senators Pflug, Kline, Benson and Schmidt.

Brief History:

Committee Activity: Financial Institutions, Housing & Consumer Protection: 2/9/05, 2/10/05 [DP].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & CONSUMER PROTECTION

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Franklin, Keiser, Prentice, Schmidt and Spanel.

Staff: Jennifer Arnold (786-7471)

Background: The Homeowners' Association Act was created by the legislature in 1995. It governs the formation and legal administration of an association and includes laws addressing the association's powers, organizational structure, meeting and notice requirements, as well as financial record keeping requirements. In addition to the Act, the governing documents, (articles of incorporation, bylaws, declaration of covenants, and other related items over which the association has authority), mandate many of the association's powers.

The statutory provisions for financial record keeping apply to all homeowners' associations and preempt any conflicting rules in the governing documents of the association.

Current statutory law prohibits the homeowners' association from disclosing the unlisted telephone number of any of its members. However, there is no statutory provision that prevents a homeowners' association from releasing the e-mail address of an owner.

Summary of Bill: A new provision is added to the Homeowners' Association Act, providing that a homeowners' association must not release the e-mail address of an owner without that owner's consent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is needed so that email addresses will be treated the same as unlisted phone numbers and thus, provide that an owner's privacy will be respected.

Testimony Against: None.

Who Testified: PRO: Senator Pflug, prime sponsor; Ed Junes, Fairwood Greens Homeowners' Association; Ole Brandal, Fairwood Greens Homeowners' Association.