

Real Estate Update

Referendum 71 on November's Ballot

by Rob Morrison

2007 Domestic Partnership Law

In 2007, Washington's first domestic partnership law opened the door for domestic partners to have many of the same rights and obligations as spouses.

Registered domestic partners were allowed rights of visitation in hospitals, the right to participate as a spouse would in medical care decisions, and access to health care information.

It also allowed one domestic partner to administer the other's estate in the absence of a will; rec-

ognition of a partner on the deceased partner's death certificate; the ability to sue for wrongful death of a partner; and the right to inherit property from a partner.

2008 Expansion

In 2008 the scope of the law was expanded to provide registered domestic partners the same rights and obligations as spouses under Washington state laws regarding dissolutions, community property, estate planning, taxes, court process, service to indigent veterans and other public assistance, conflicts of interest for public officials, and guardianships.

Impact on Real Property Law

On this year's November ballot, voters will face the decision to approve or not approve Referendum 71. If it is approved, there don't appear to be any significant changes to real property laws in the state of Washington but it will affect labor and employment law; pensions, survivor and other public employee benefits; family law, insurance rights, higher education, banks, financial institutions and loan agencies; creditors' rights and business licenses.

Rob Morrison has recently joined the Life, Estate Planning , and Family Law Department at Short Cressman & Burgess as a Partner after over 20 years as a trust officer and sole practitioner concentrating in the areas of estate planning, probate, domestic partnership agreements and dissolutions, adoption, assisted reproduction and guardianships.

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Homeowners Associations – Further Limitations on Authority

By John D. Sullivan



Although planned residential developments and subdivisions with covenants, conditions and restrictions (“CC&Rs”) have been around at least since the 1940s, for a long time there was no statutory regime regulating homeowners associations or codifying homeowners’ rights and obligations. The relationship was governed by contract common law and, to the extent the association was incorporated, the Washington Nonprofit Corporation Act.

Amendment to Homeowners Association Act

In 1995, the Homeowners Association Act was passed to provide certain rights to homeowners in addition to the Nonprofit Corporation Act and to prevent association boards from over-reaching.

During this past legislative session, an amendment to the Homeowners Association Act was enacted limiting the power of asso-

ciations to restrict solar panels and adult family homes.

Solar Panels

RCW 64.38.055 prevents Associations from prohibiting the installation of solar energy panels by owners on the owners’ property so long as the solar energy panels meet applicable laws and standards regarding health, safety, electricity production, and heating. Associations may, however, reasonably regulate visibility and methods of installation.

Licensed Adult Family Homes

Under RCW 64.38.060, Associations cannot directly or indirectly limit persons with disabilities from living in a licensed adult family home, nor restrict persons and legal entities from operating adult family homes licensed under Chapter 70.128, RCW. Associations may, however, apply reasonable nondiscriminatory regulations that apply to all residential properties, such as landscaping standards or regulation of sign location or size.

These changes join two earlier limitations that were passed to address past abuses regarding political yard signs and flying the American flag.



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