

**Resolution of the Board of Directors of
South Bay Community Association
Unit Owner Inquiries and Association Records**

RECITALS

Whereas, South Bay Community Association (the “Association”) is a Washington nonprofit corporation and community association subject to chapter 64.38 Revised Code of Washington (“RCW”) and chapter 64.90 RCW;¹

Whereas, the Association is subject to Engrossed House Bill 1501 (“EHB 1501”), relating to inquiries into association governance or operations, or both, by unit owners within the Association’s jurisdiction;

Whereas, the Association is subject to RCW 64.38.045 and, to the extent applicable now or in the future (including the anticipated effective date of January 1, 2028), RCW 64.90.495 as such statutes pertain to records of the Association;

Whereas, the Association’s Board of Directors is authorized to act in all instances on behalf of the Association, except for those matters reserved for a vote or decision of the Owners by the Declaration, Articles of Incorporation, or Bylaws of the Association or applicable laws;

Whereas, the Board, acting on behalf of the Association, is authorized to adopt and amend rules and regulations pursuant to EHB 1501 relating to unit owner inquiries and RCW 64.38.020(1);

Whereas, RCW 64.38.045(8)(a) and RCW 64.90.495(5) similarly provide that the Association may charge a reasonable fee for producing and providing copies of any records and for supervising a unit owner’s inspection, except for:

- (a) One (1) annual electronic or physical copy of the association’s membership list (containing current owner names, communication addresses, and voting allocations);
- (b) Copies of preforeclosure information, which must be provided in English or the owner’s preferred language of correspondence;

Whereas, the Board of Directors finds that it is necessary and appropriate to establish reasonable fees with respect to producing and providing copies of Association records and supervising an owner’s inspection of those records;

NOW THEREFORE, it is resolved that the following Rules and Regulations are hereby adopted by the Board, made a part of the Governing Documents of South Bay Community Association, and shall entirely amend, supersede, and replace any prior rules, regulations, policies, or procedures regarding the topics addressed herein.

¹ To the extent RCW 64.34 and RCW 64.90 are applicable to the Association; See, e.g., 64.34.010 (Applicability), and RCW 64.90.365 (Common interest communities – Exceptions).

I. RULES AND REGULATIONS – UNIT OWNER INQUIRIES

1. Purpose & Applicability

These Rules and Regulations ("Rules") are adopted by the Board of Directors (the "Board") of South Bay Community Association (the "Association") to establish a uniform, predictable, and compliant procedure for processing and responding to formal unit owner inquiries pursuant to Washington law (EHB 1501). These Rules govern only written inquiries made by certified mail regarding one or more topics related to the Association's governance, operations, or both. Routine communications (e.g., standard emails, phone calls, web portal messages) remain subject to standard Association response practices and do not trigger the timelines, requirements or provisions set forth herein.

2. Submission Requirements

To qualify as a formal inquiry requiring a response from the Association under these Rules, the inquiry must meet all of the following criteria:

- 2.1 Format.** It must be a written inquiry made by a unit owner or the unit owner's authorized agent.
- 2.2 Delivery.** It must be delivered to the Association's registered agent, the Association at its principal mailing address, or its designated management agent via certified mail.
- 2.3 Subject Matter.** It must relate to the governance or operations of the Association (or both).

3. Association Response Timelines & Extensions

3.1 Response. When a unit owner or their authorized agent submits a written inquiry by certified mail regarding Association governance or operations (or both), the Association must provide a substantive response, in the form of a record, within thirty (30) days of receipt, unless the deadline is extended pursuant to Section 3.2 below.

3.2 Extensions of Time. The Association may extend the initial 30-day response deadline by notifying the inquiring party, in the form of a record and prior to the expiration of the initial 30-day period, that additional time is reasonably necessary. Extensions are permitted under the following circumstances:

- 3.2.1 Board Review Extension.** To allow the inquiry to be reviewed by the Board at its next regularly scheduled board meeting, provided such meetings are scheduled at least monthly.
- 3.2.2 Complex Inquiry Extension.** The Association may extend the deadline for an additional thirty (30) days (for a total of 60 days) to respond to a complex inquiry.

3.2.3 Professional Opinion Extension. To allow time for the Board to seek a legal or other third-party professional opinion when one is required for an adequate response.

3.3 Substantive Response. A “substantive response” includes, but is not limited to, a factual explanation, reference to the Association’s Governing Documents, reference to Association records already available for inspection by owners, statement of current Association practices, or other responsive information reasonably available to the Association. The Association is not required to obtain a legal opinion or other third-party professional opinion in order to provide a substantive response to a unit owner inquiry.

4. Manner of Responding

To ensure efficiency and prevent administrative overburdening, the Association adopts the following rules regarding the manner in which it will provide a substantive response:

4.1 Designated Responder Protocol. To ensure unified and accurate communication, the manner of response shall be a single written record issued by the community association manager, the Board, or a director designated by the Board to provide such response. An inquiry directed at a specific director will be routed to the manager or designated responder for the Association's official response.

4.2 Reasonably Available Information. The Association is only required to provide information that is "reasonably available." The Association is not obligated to create new data and generate bespoke or customized reports. Except as necessary to provide a substantive response pursuant to Section 3.3 above, the Association is not required to compile or synthesize information.

4.3 Reference to Existing Records. If an inquiry can be addressed by referencing Association records already available for inspection by owners, the Association's response may satisfy the statutory requirement by providing a specific citation, link, or reference to the relevant record. To preserve Association resources, the Board is not obligated to draft custom narrative explanations for information that is already clearly set forth in the Association’s existing records.

4.4 Consolidation of Duplicative Questions. If an owner submits a question that is substantially similar to a question already answered by the Association, the manner of response shall be a written cross-reference or attachment of the prior response (if the prior response remains accurate). The Board will not generate new responses to previously answered inquiries.

4.5 Bifurcating Inquiries vs. Records Requests. If records are requested as part of an inquiry, the Association will provide references to the records within the 30-day inquiry response deadline or within an extended deadline. However, the actual physical production or copying of those records will be handled under Section II of these Rules.

The Association may charge a reasonable fee for producing and providing copies of any records and for supervising the unit owner's inspection of records.

5. Frequency and Number of Inquiries

To protect the Association's resources from open-ended, repetitive, or excessively voluminous inquiries, the Association adopts the following limitations regarding the frequency and manner of responding to inquiries:

5.1 One Inquiry Per 30 Days. The Association is obligated to respond to only one (1) written inquiry per unit in any thirty (30) day period.

5.2 Multi-Question Inquiries. A unit owner may ask more than one question within a single certified inquiry. However, a single inquiry containing a list of questions may be classified by the Board as a "complex inquiry," triggering the applicable 30-day extension.

5.3 Treatment of Multiple Separate Inquiries. If a unit owner submits multiple separate certified inquiries within the same 30-day period, the Board of Directors, at its sole discretion, may elect to process the excess inquiries using either of the following methods:

5.3.1 Hold in Queue. If a unit owner or their authorized agent submits more than one certified inquiry within a rolling thirty (30) day period (calculated from the date the Association received the first inquiry), the Association will hold the extra inquiries in queue and automatically process them in the subsequent thirty (30) day periods.

5.3.2 Consolidation. The Association may elect to consolidate the multiple separate inquiries into a single inquiry. If the Board chooses to consolidate, the Association reserves the right to classify the resulting combined inquiry as a "complex inquiry," thereby extending the response deadline by an additional thirty (30) days.

6. Costs & Fees

6.1 No Administrative Inquiry Fees. The Association will not charge a unit owner an administrative fee solely for the submission or processing of a certified inquiry.

6.2 Records Production Costs. If providing a substantive response to a certified inquiry requires producing physical copies of records, then production, copying and supervision fees may be charged to the owner requesting such records pursuant to the Association's rules and policies pertaining to "records."

6.3 Professional Fees. Costs incurred by the Association to obtain a discretionary legal and/or third-party professional opinion shall be treated as a common expense and will not be specially assessed against the inquiring owner.

II. RULES AND REGULATIONS – ASSOCIATION RECORDS

1. Purpose and Definitions

1.1 Purpose. To establish a uniform protocol for the retention, inspection, and production of Association Records that is fully compliant with Washington State law, presently governing under RCW 64.38.045, and in preparation for future governance under the Washington Uniform Common Interest Ownership Act (WUCIOA) per RCW 64.90.495 (collectively, “Governing Records Statutes”).

1.2 Definition of "Association Records". For the purposes of this Rule, "Association Records" shall mean documents and other information inscribed on a tangible medium that are identified as a record of the Association by a then-applicable Governing Records Statute.

2. Inspection and Copying of Records

2.1 Location and Method of Production

2.1.1 Electronic Production. Upon request by a unit owner, a holder of a Mortgage on a Unit, or their respective authorized agents (“requesting party”), the Association may fulfill a records request by producing the requested records electronically via email, secure web portal, or digital download.

2.1.2 In-Person Inspection. If electronic production is not utilized, or if physical inspection is required, the examination and inspection of records shall occur, during reasonable business hours and at a mutually convenient time, at (i) the Association’s principal office; (ii) such other place within South Bay Community Association as the Board may prescribe; or (iii) another mutually convenient and agreed upon location.

2.1.3 General Preference. Although subject to Board discretion depending on the specific facts or circumstances, the Association’s general preference is to fulfill records requests electronically to avoid the cost and expense associated with in-person (physical) inspections. A requesting party who requests an in-person physical inspection will be responsible for paying the fees and costs related to such inspection and the production of records, including, without limitation, fees and costs for supervision, copying, and redaction.

2.1.4 Timeline. The Association shall produce the requested records or make them available for inspection upon ten (10) days’ notice unless the size of the request or need to redact information reasonably requires a longer time, but in no event later than twenty-one (21) days without a court order allowing a longer time.

2.2 Fee Schedule

2.2.1 Reasonable Fees. The Association shall charge reasonable fees for producing and providing copies of any records, and for supervising inspections, payable by the requesting party prior to or at the time of production.

2.2.2 Deposit for Custom Production, Retrieval, and Redaction. For any records request requiring custom retrieval, compilation, or statutorily mandated redaction of records (exceeding one hour of cumulative administrative labor), the Association may require the requesting party to pay a reasonable deposit based on the estimated administrative labor costs before work begins. Because Washington law mandates the redaction of privileged, personal, or confidential information prior to inspection, the Association must review and redact all records before they are inspected or copied, regardless of whether the requesting party asks for a physical or electronic inspection. The requesting party shall be responsible for the actual administrative labor costs of this review and production, billed at the rate set forth in Section 2.2.4. If the Association maintains an electronic owner portal or website containing pre-redacted general Association Records (such as Governing Documents, Rules, approved minutes, or budgets), owners may download those records at no charge. Custom production and redaction fees shall only apply to requests for records that are not readily available for free, self-service download by the owner. If the actual cost is less than the deposit, the Association shall promptly refund the difference; if the actual cost exceeds the deposit, the requesting party must pay the remaining balance before the records are released or made available for inspection.

2.2.3 Copy Costs. The following copying costs shall be assessed to the requesting party in connection with a records request:

(a) Standard black-and-white copies of documents 8.5 x 14 inches or less shall be charged at \$.20 per page.

(b) Color copies of documents 8.5 x 14 inches or less shall be charged at \$.50 per page.

(c) Copies of any oversized document exceeding 8.5 x 14 inches shall be charged \$1.00 per page.

Notwithstanding the foregoing, if it is necessary to make a copy of the document at a commercial copy center (such as Fed/Ex, Staples, or UPS), the actual costs charged by the third-party vendor shall be assessed to the requesting party, in addition to any applicable fees or costs pursuant to this Section 2.2.

2.2.4 Hourly Rates and Administrative Fees. If production, supervision, or statutorily required redaction of records requires the use of the Association's management company or other contracted professionals, the requesting party

shall be charged the hourly rate billed to the Association for those services. The Association will charge the time for its manager and staff to perform this work at an hourly rate of \$50.00 per hour, billed in 15-minute increments.

2.2.5 Mailing Costs. In addition to the hourly rate in Section 2.2.4, the Association will charge the requesting party the actual costs for postage or mailing of records.

2.2.6 USB Drives. If the requesting party asks to receive records on a USB or “jump drive,” the requesting party must provide the device to the Association at such party’s sole cost. The Association’s obligation to deliver the records in this specific format is conditioned upon the Association’s actual receipt of the physical device. Notwithstanding the foregoing, the Board may decline to produce documents on physical devices in its reasonable discretion.

2.2.7 Owner List. An owner is entitled to receive one free electronic or written copy of the list of unit owners annually. Therefore, no fees shall be charged for an owner’s first annual request for the unit owner list. In accordance with Washington law, the list of unit owners may not be obtained or used by any person for any commercial purpose. The list of unit owners is not required to:

- (i) Be made available for examination and copying by holders of mortgages on the units; or
- (ii) Contain the electronic addresses of unit owners who have elected to keep such addresses confidential pursuant to the Bylaws or applicable law.

2.2.8 Preforeclosure Information. An owner is entitled to receive a free electronic or written copy of the Association’s preforeclosure information required to be retained pursuant to a Governing Records Statute.

2.3 Conduct During Physical Inspections

2.3.1 To ensure the integrity of Association Records, any person inspecting physical records may not alter, remove, mark upon, or destroy any original record.

2.3.2 If a requesting party wishes to have a copy of a specific record during an inspection, they must flag it for the person supervising the inspection to perform the copying.

2.3.3 A records inspection is not a chance to question the Association’s officers, board members, or managing agents. Therefore, the Association’s Board members, officers, legal counsel, and any agents, staff, or employees of the Association’s management company will not respond to oral questions about the records in connection with a request for records production or inspection.

- 2.3.4 If any person threatens, berates, harasses, uses profanity, or otherwise interferes with the supervisor's ability to supervise the inspection, the Association may immediately terminate the records inspection.

2.4 Redaction of Information. Records retained by the Association must have the following information redacted or otherwise removed prior to disclosure:

- (a) Personnel and medical records relating to specific individuals;
- (b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;
- (c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;
- (d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;
- (e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including, without limitation, communications between the Association's attorneys and the Association's managing agent;
- (f) Information the disclosure of which would violate a court order or law;
- (g) Records of an executive session of the Board;
- (h) Individual unit files other than those of the requesting unit owner;
- (i) Unlisted telephone number of any unit owner or resident, electronic address of any unit owner that elects to keep such electronic address confidential, or electronic address of any resident;
- (j) Security access information provided to the Association for emergency purposes;
- (k) Agreements that for good cause prohibit disclosure to the members;
- (l) Any information which would compromise the secrecy of a ballot cast under Section 5.9 of the Bylaws; and
- (m) The physical address, email address or phone number of any unit owner or resident known to the Association to be a participant in the state Address Confidentiality Program described in chapter 40.24 or any similar program established by law.

3. Production

3.1 Form of Request

- 3.1.1 All requests for the production or inspection of Association Records must be submitted in writing to the Association's Board of Directors or the Association's managing agent.
- 3.1.2 The request must reasonably describe the specific records sought to allow the Association to locate them efficiently. If a request is overly broad or lacks sufficient specificity, the Association may request or require the requesting

party to narrow the scope or more clearly define the request before production begins. The Association's timeline (if any) for producing the records shall begin when the requesting party has provided a sufficiently specific and reasonable description of the records sought.

- 3.1.3 The Association is not obligated to compile or synthesize information, nor create new documents that do not currently exist.

4. Retention

4.1 Limitation on Historical Records. The records retention schedules outlined in this Section 4 are designed to comply with the current statutory requirements of the Governing Records Statutes, then in effect. The Association's obligation to retain and produce records applies only to records created or obtained by the Association on or after the date the applicable Governing Records Statute mandated their specific retention, or the effective date of this Rule, whichever is earlier. The Association shall not be required to recreate, nor shall it be held liable for failing to produce, historical records that were not created, were lawfully disposed of, or were otherwise not retained prior to the effective date of such requirements under the then-applicable Governing Records Statutes.

4.2 Operational Retention. Subject to the limitations in Section 4.1, the Association shall continuously maintain and retain the following:

- 4.2.1 Current copies of the Governing Documents including the Declaration, Bylaws, Articles of Incorporation, and all prior amendments thereto;
- 4.2.2 Rules, regulations, and policies currently in effect;
- 4.2.3 Minutes of all meetings of the unit owners and the Board (other than executive sessions), a record of all actions taken by the unit owners or Board without a meeting, and a record of all actions taken by a committee in place of the Board on behalf of the Association;
- 4.2.4 The names of current unit owners, addresses used by the Association to communicate with them, and the number of votes allocated to each unit;
- 4.2.5 A list of the names and addresses of its current Board members and officers;
- 4.2.6 The Association's most recent annual report delivered to the Secretary of State, if any;
- 4.2.7 Copies of insurance policies under which the Association is a named insured that are currently in effect;

4.2.8 Such other records required to be currently maintained for the ongoing operation of the Association by a Governing Records Statute.

4.3 Seven Year (7) Retention. Subject to the limitations in Section 4.1, the Association shall maintain the following records:

4.3.1 The current budget, detailed records of receipts and expenditures affecting the operation and administration of the Association, and other appropriate accounting records within the last seven years;

4.3.2 All financial statements and tax returns of the Association for the past seven years;

4.3.3 Copies of contracts to which it is or was a party within the last seven years;

4.3.4 Materials relied upon by the Board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

4.3.5 Materials relied upon by the Board or any committee concerning a decision to enforce the Governing Documents for a period of seven years after the decision is made.

4.4 One Year (1) Retention. Ballots, proxies, absentee ballots, and other records related to voting by unit owners for one (1) year after the election, action, or vote to which they relate;

5. No Commercial Purpose. Association records or information obtained by a requesting party pursuant to these Rules may not be used for commercial purposes.

CERTIFICATION

The undersigned, being the President, of South Bay Community Association certifies that the foregoing Resolution and Rules were adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on AUGUST 13, 2026. A copy of the Rules was given to all Unit Owners according to their notice preference on or before SEPTEMBER 1, 2026.

Dated this 13, day of AUGUST, 2026.

South Bay Community Association, a Washington
nonprofit corporation

By:

Print Name: CAROLYN O'KEEFE, President.