

REAL ESTATE



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Q | My home is located in a community that is subject to restrictive covenants. Many homeowners in the community want to ban short-term rentals. Can the restrictive covenants be amended by a majority vote of the homeowners to impose such a ban?

A | Yes, if the restrictive covenants authorize amendments by majority vote and the short-term rental ban relates to an existing rental covenant. However, unanimous consent of the homeowners will be required if the proposed short-term rental ban does not relate to an existing covenant and the restrictive covenants do not specifically authorize the creation of new covenants by majority vote. The Washington Supreme Court discussed the distinction between adopting new covenants and amending existing covenants in *Wilkinson v. Chiwawa Communities Ass'n*, 180 Wn.2d 241 (2014), and ruled that a short-term rental ban adopted by majority vote was not enforceable.