

Shana Park HOA Q&A: The 2028 WUCIOA Transition & Our CC&Rs

Q1: What is happening on January 1, 2028?

A: On this date, the old Washington Homeowners' Association Act (RCW 64.38) will be permanently repealed. By state law (Senate Bill 5796), every homeowners association in Washington—including **Shana Park HOA**—will automatically transition to and be governed by the Washington Uniform Common Interest Ownership Act (WUCIOA / RCW 64.90).

Q2: What happens if Shana Park fails to approve our updated CC&Rs by the deadline?

A: If we do not vote on and pass our restated CC&Rs, the law takes over anyway. **Shana Park** will be forced to operate under a confusing "Frankenstein" document. Our existing CC&Rs will remain active *only* where they line up with the new state laws. Any old neighborhood rule in our current document that contradicts WUCIOA will automatically become legally void and unenforceable.

Q3: Can Shana Park just choose to opt-out and keep our current rules?

A: No. There is no opt-out provision. The transition is mandatory for all common interest communities in Washington state.

Q4: What are the risks to Shana Park if we do nothing?

A: Operating with outdated governing documents after January 1, 2028, introduces several risks to our neighborhood:

- **Legal Confusion:** The **Shana Park Board** and homeowners will have to constantly cross-reference our old physical documents with hundreds of pages of state statutes to figure out which rules are actually legal.
- **Lawsuits:** If the board accidentally enforces an outdated covenant that conflicts with WUCIOA, an owner can sue to invalidate the decision.
- **Real Estate Delays:** **Shana Park** home sellers will legally require a comprehensive WUCIOA Resale Certificate. If our HOA is not updated to provide this standard paperwork, home sales in our neighborhood could fall through.
- **Financial Risk:** Banks and insurance companies may refuse to issue neighborhood loans or liability coverage to an HOA operating with non-compliant legal documents.

Q5: Will Shana Park's daily operations have to change?

A: Yes. Even if we don't update our text, the board must immediately adopt WUCIOA procedures on January 1, 2028. For example, how we pass our annual **Shana Park** budget will flip: under WUCIOA, a budget is automatically approved *unless* a majority of the entire community votes to reject it at a meeting.

Q6: If our legacy Shana Park documents require a high percentage to amend, how can we pass this in time?

A: The state anticipated this hurdle. WUCIOA provides a special legal exception to help communities clean up their documents. To strip out old, non-compliant language and bring **Shana Park's** CC&Rs into alignment with the new state law, we do *not* need a massive supermajority. The board can pass these mandatory statutory updates using a drastically reduced voting threshold—often just a simple majority of the votes cast.