

Clearwood Community Association - Declaration of Covenants, Conditions & Restrictions - Page 1

ISSUE #1

Section 1: [Section B.1] Single-Family Residential Use Only; Prohibition on Care Facilities

MARKUP #1 ->

All Lots in Clearwood shall be used exclusively for single-family residential purposes. No trade, business, profession, commercial activity, group care home, adult family home, or licensed day care facility of any kind shall be conducted or operated on any Lot.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Section B.1 (p. 1): [FLAGGED FOR COUNSEL REVIEW - SAFE RESOLUTION GATE] Express prohibition on operating an adult family home or licensed child care facility on a residential lot.

Statutory / Legal Reference: RCW 64.38.100, RCW 64.38.130 & RCW 64.90.520

Statutory Comparison: Under RCW 64.38.100, an adult family home licensed pursuant to Chapter 70.128 RCW is conclusively deemed a residential use and may NOT be prohibited by any homeowners' association covenant or rule. Similarly, under RCW 64.38.130, an association may not prohibit the use of a residence as a licensed family day care provider or child care facility.

CURRENT WORDING IN DOCUMENT:

[Section B.1] Single-Family Residential Use Only; Prohibition on Care Facilities - All Lots in Clearwood shall be used exclusively for single-family residential purposes. No trade, business, profession, commercial activity, group care home, adult family home, or licensed day care facility of any kind shall be conducted or operated on any Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Section B.1 ([Section B.1] Single-Family Residential Use Only; Prohibition on Care Facilities - All Lots in Clearwood shall be used exclusively for single-family residential purposes. No trade, business, profession, commercial activity, group care home, adult family home, or licensed day care facility of any kind shall be conducted or operated on any Lot.) to conform with RCW 64.38.100, RCW 64.38.130 & RCW 64.90.520 and the manual attorney audit recommendations for Clearwood Community Association.