

# Community Associations Network

Condo's, HOA's, POA's, CID's, Homeowner Associations

## Major Win For HOAs On Enforcing Restrictive Covenants In Washington

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As recorded in the court's decision, in 2018 the View Ridge Estates amended its CC&Rs to declare that: "No trees or other vegetation, in a view and/or view corridor area, shall be taller than a maximum of fifteen (15) feet .... Taller trees and shrubs are permitted so long as no Member's view is unreasonably obstructed by the taller trees or shrubs" (3). One couple living within the community argued, unsuccessfully, that this change in fact constituted a new covenant rather than a change to an existing covenant and was therefore invalid. The court disagreed and ruled in favor of the HOA, affirming that the organization was within its rights to insist the couple trim or remove their trees to cease obstructing other homeowners' views.

The court ruled: "View Ridge Estates' governing covenants granted its members the authority to change its covenants, but not to create new ones" (15). The court concurred with Michael's argument that the change was indeed an amendment, not a new covenant—and thus the HOA was well within its rights to limit the height of the trees in question, which were obstructing other residents' views of Mt. Hood and the Columbia River, two of the most iconic natural wonders of the region at the border of Washington and Oregon. The Court also awarded attorney fees on appeal to the HOA.

The ruling serves as an important precedent in Washington real estate law. Moving forward, HOAs will be better able to protect their residents' property values and successfully look after their communities' interests.

"I applaud the Washington Court of Appeals for this decision, which legally ensures that HOAs have the right to certain expectations of their members," Michael said. "VF Law strives to ensure the rights of HOAs, and their communities are protected, and that they are allowed to self-determine their standards for a valuable and positive living space within the framework of their governing documents. This is an important victory for HOAs across Washington."