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**SENATE BILL 6432**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Zeiger and Angel

AN ACT Relating to homeowner association and condominium bylaws; and amending RCW 64.38.030 and 64.34.200.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 64.38.030 and 1995 c 283 s 6 are each amended to read as follows:

(1) Unless provided for in the governing documents, the bylaws of the association shall provide for:

((~~(1)~~)) (a) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

((~~(2)~~)) (b) Election by the board of directors of the officers of the association as the bylaws specify;

((~~(3)~~)) (c) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

((~~(4)~~)) (d) Which of its officers may prepare, execute, certify, and record amendments to the governing documents on behalf of the association;

((~~(5)~~)) (e) The method of amending the bylaws; and

((~~(6)~~)) (f) Subject to the provisions of the governing documents, any other matters the association deems necessary and appropriate.

(2) For associations established after the effective date of this section, a homeowners' association must record bylaws and amendments to the bylaws in every county in which any portion of the association is located in the same manner as a deed, and the bylaws and amendments are effective only upon recording.

**Sec.**  RCW 64.34.200 and 1992 c 220 s 4 are each amended to read as follows:

(1) A condominium may be created pursuant to this chapter only by recording a declaration executed by the owner of the interest subject to this chapter in the same manner as a deed and by simultaneously recording a survey map and plans pursuant to RCW 64.34.232. The declaration and survey map and plans must be recorded in every county in which any portion of the condominium is located, and the condominium shall not have the same name as any other existing condominium, whether created under this chapter or under chapter 64.32 RCW, in any county in which the condominium is located.

(2) A declaration or an amendment to a declaration adding units to a condominium may not be recorded unless (a) all structural components and mechanical systems of all buildings containing or comprising any units thereby created are substantially completed as evidenced by a recorded certificate of completion executed by the declarant which certificate may be included in the declaration or the amendment, the survey map and plans to be recorded pursuant to RCW 64.34.232, or a separately recorded written instrument, and (b) all horizontal and vertical boundaries of such units are substantially completed in accordance with the plans required to be recorded by RCW 64.34.232, as evidenced by a recorded certificate of completion executed by a licensed surveyor.

(3) For a condominium established after the effective date of this section, a unit owners' association must record bylaws and amendments to the bylaws in every county in which any portion of the association is located in the same manner as a deed, and the bylaws and amendments are effective only upon recording.

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