

2 **SB 5741** - H COMM AMD

3 By Committee on Trade & Economic Development

4 ADOPTED AS AMENDED 4/10/97

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 64.34.410 and 1992 c 220 s 21 are each amended to  
8 read as follows:

9 (1) A public offering statement shall contain the following  
10 information:

11 (a) The name and address of the condominium;

12 (b) The name and address of the declarant;

13 (c) The name and address of the management company, if any;

14 (d) The relationship of the management company to the declarant, if  
15 any;

16 (e) A list of up to the five most recent condominium projects  
17 completed by the declarant or an affiliate of the declarant within the  
18 past five years, including the names of the condominiums, their  
19 addresses, and the number of existing units in each. For the purpose  
20 of this section, a condominium is "completed" when any one unit therein  
21 has been rented or sold;

22 (f) The nature of the interest being offered for sale;

23 (g) A brief description of the permitted uses and use restrictions  
24 pertaining to the units and the common elements;

25 (h) A brief description of the restrictions, if any, on the renting  
26 or leasing of units by the declarant or other unit owners, together  
27 with the rights, if any, of the declarant to rent or lease at least a  
28 majority of units;

29 (i) The number of existing units in the condominium and the maximum  
30 number of units that may be added to the condominium;

31 ~~((i))~~ (j) A list of the principal common amenities in the  
32 condominium which materially affect the value of the condominium and  
33 those that will or may be added to the condominium;

34 ~~((j))~~ (k) A list of the limited common elements assigned to the  
35 units being offered for sale;

1       ~~((k))~~ (l) The identification of any real property not in the  
2 condominium, the owner of which has access to any of the common  
3 elements, and a description of the terms of such access;

4       ~~((l))~~ (m) The identification of any real property not in the  
5 condominium to which unit owners have access and a description of the  
6 terms of such access;

7       ~~((m))~~ (n) The status of construction of the units and common  
8 elements, including estimated dates of completion if not completed;

9       ~~((n))~~ (o) The estimated current common expense liability for the  
10 units being offered;

11       ~~((o))~~ (p) An estimate of any payment with respect to the common  
12 expense liability for the units being offered which will be due at  
13 closing;

14       ~~((p))~~ (q) The estimated current amount and purpose of any fees  
15 not included in the common expenses and charged by the declarant or the  
16 association for the use of any of the common elements;

17       ~~((q))~~ (r) Any assessments which have been agreed to or are known  
18 to the declarant and which, if not paid, may constitute a lien against  
19 any units or common elements in favor of any governmental agency;

20       ~~((r))~~ (s) The identification of any parts of the condominium,  
21 other than the units, which any individual owner will have the  
22 responsibility for maintaining;

23       ~~((s))~~ (t) If the condominium involves a conversion condominium,  
24 the information required by RCW 64.34.415;

25       ~~((t))~~ (u) Whether timesharing is restricted or prohibited, and if  
26 restricted, a general description of such restrictions;

27       ~~((u))~~ (v) A list of all development rights reserved to the  
28 declarant and all special declarant rights reserved to the declarant,  
29 together with the dates such rights must terminate, and a copy of or  
30 reference by recording number to any recorded transfer of a special  
31 declarant right;

32       ~~((v))~~ (w) A description of any material differences in terms of  
33 furnishings, fixtures, finishes, and equipment between any model unit  
34 available to the purchaser at the time the agreement for sale is  
35 executed and the unit being offered;

36       ~~((w))~~ (x) Any liens on real property to be conveyed to the  
37 association required to be disclosed pursuant to RCW 64.34.435(2)(b);

38       ~~((x))~~ (y) A list of any physical hazards known to the declarant  
39 which particularly affect the condominium or the immediate vicinity in

1 which the condominium is located and which are not readily  
2 ascertainable by the purchaser;

3 ~~((y))~~ (z) A brief description of any construction warranties to  
4 be provided to the purchaser;

5 ~~((z))~~ (aa) Any building code violation citations received by the  
6 declarant in connection with the condominium which have not been  
7 corrected;

8 ~~((aa))~~ (bb) A statement of any unsatisfied judgments or pending  
9 suits against the association, a statement of the status of any pending  
10 suits material to the condominium of which the declarant has actual  
11 knowledge, and a statement of any litigation brought by an owners'  
12 association, unit owner, or governmental entity in which the declarant  
13 or any affiliate of the declarant has been a defendant, arising out of  
14 the construction, sale, or administration of any condominium within the  
15 previous five years, together with the results thereof, if known;

16 ~~((bb))~~ (cc) Any rights of first refusal to lease or purchase any  
17 unit or any of the common elements;

18 ~~((ee))~~ (dd) The extent to which the insurance provided by the  
19 association covers furnishings, fixtures, and equipment located in the  
20 unit;

21 ~~((dd))~~ (ee) A notice which describes a purchaser's right to  
22 cancel the purchase agreement or extend the closing under RCW  
23 64.34.420, including applicable time frames and procedures;

24 ~~((ee))~~ (ff) Any reports or statements required by RCW 64.34.415  
25 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering  
26 statement of a condominium in connection with which a final certificate  
27 of occupancy was issued more than sixty calendar months prior to the  
28 preparation of the public offering statement whether or not the  
29 condominium is a conversion condominium as defined in RCW  
30 64.34.020(10);

31 ~~((ff))~~ (gg) A list of the documents which the prospective  
32 purchaser is entitled to receive from the declarant before the  
33 rescission period commences;

34 ~~((gg))~~ (hh) A notice which states: A purchaser may not rely on  
35 any representation or express warranty unless it is contained in the  
36 public offering statement or made in writing signed by the declarant or  
37 by any person identified in the public offering statement as the  
38 declarant's agent;

1       (~~(hh)~~) (ii) A notice which states: This public offering  
2 statement is only a summary of some of the significant aspects of  
3 purchasing a unit in this condominium and the condominium documents are  
4 complex, contain other important information, and create binding legal  
5 obligations. You should consider seeking the assistance of legal  
6 counsel; ~~(and~~

7       ~~(ii))~~ (jj) Any other information and cross-references which the  
8 declarant believes will be helpful in describing the condominium to the  
9 recipients of the public offering statement, all of which may be  
10 included or not included at the option of the declarant; and

11       (kk) A notice that addresses compliance or noncompliance with the  
12 housing for older persons act of 1995, P.L. 104-76, as enacted on  
13 December 28, 1995.

14       (2) The public offering statement shall include copies of each of  
15 the following documents: The declaration, the survey map and plans,  
16 the articles of incorporation of the association, bylaws of the  
17 association, rules and regulations, if any, current or proposed budget  
18 for the association, and the balance sheet of the association current  
19 within ninety days if assessments have been collected for ninety days  
20 or more.

21       If any of the foregoing documents listed in this subsection are not  
22 available because they have not been executed, adopted, or recorded,  
23 drafts of such documents shall be provided with the public offering  
24 statement, and, before closing the sale of a unit, the purchaser shall  
25 be given copies of any material changes between the draft of the  
26 proposed documents and the final documents.

27       (3) The disclosures required by subsection (1)(g), ~~((+j+))~~ (k),  
28 ~~((+r+))~~ (s), ~~((+t+))~~ (u), ~~((+u+))~~ (v), and ~~((+bb+))~~ (cc) of this  
29 section shall also contain a reference to specific sections in the  
30 condominium documents which further explain the information disclosed.

31       (4) The disclosures required by subsection (1)~~((+dd+))~~ (ee),  
32 ~~((+gg+))~~ (hh), and ~~((+hh+))~~ (ii) of this section shall be located at  
33 the top of the first page of the public offering statement and be typed  
34 or printed in ten-point bold face type size.

35       (5) A declarant shall promptly amend the public offering statement  
36 to reflect any material change in the information required by this  
37 section.

1       **Sec. 2.** RCW 64.34.232 and 1992 c 220 s 10 are each amended to read  
2 as follows:

3       (1) A survey map and plans executed by the declarant shall be  
4 recorded simultaneously with, and contain cross-references by recording  
5 number to, the declaration and any amendments. The survey map and  
6 plans must be clear and legible and contain a certification by the  
7 person making the survey or the plans that all information required by  
8 this section is supplied. All plans filed shall be in such style,  
9 size, form and quality as shall be prescribed by the recording  
10 authority of the county where filed, and a copy shall be delivered to  
11 the county assessor.

12       (2) Each survey map shall show or state:

13       (a) The name of the condominium and a legal description and a  
14 survey of the land in the condominium and of any land that may be added  
15 to the condominium;

16       (b) The boundaries of all land not subject to development rights,  
17 or subject only to the development right to withdraw, and the location  
18 and dimensions of all existing buildings containing units on that land;

19       (c) The boundaries of any land subject to development rights,  
20 labeled "SUBJECT TO DEVELOPMENT RIGHTS SET FORTH IN THE DECLARATION";  
21 any land that may be added to the condominium shall also be labeled  
22 "MAY BE ADDED TO THE CONDOMINIUM"; any land that may be withdrawn from  
23 the condominium shall also be labeled "MAY BE WITHDRAWN FROM THE  
24 CONDOMINIUM";

25       (d) The extent of any encroachments by or upon any portion of the  
26 condominium;

27       (e) To the extent feasible, the location and dimensions of all  
28 recorded easements serving or burdening any portion of the condominium  
29 and any unrecorded easements of which a surveyor knows or reasonably  
30 should have known, based on standard industry practices, while  
31 conducting the survey;

32       (f) Subject to the provisions of subsection (8) of this section,  
33 the location and dimensions of any vertical unit boundaries not shown  
34 or projected on plans recorded (~~(pursuant to)~~) under subsection (4) of  
35 this section and that unit's identifying number;

36       (g) The location with reference to an established datum of any  
37 horizontal unit boundaries not shown or projected on plans recorded  
38 (~~(pursuant to)~~) under subsection (4) of this section and that unit's  
39 identifying number;

1 (h) The location and dimensions of any real property in which the  
2 unit owners will own only an estate for years, labeled as "leasehold  
3 real property";

4 (i) The distance between any noncontiguous parcels of real property  
5 comprising the condominium;

6 (j) The general location of any existing principal common amenities  
7 listed in a public offering statement (~~(pursuant to)~~) under RCW  
8 64.34.410(1)(~~(i)~~) (j) and any limited common elements, including  
9 limited common element porches, balconies, patios, parking spaces, and  
10 storage facilities, but not including the other limited common elements  
11 described in RCW 64.34.204 (2) and (4);

12 (k) In the case of real property not subject to development rights,  
13 all other matters customarily shown on land surveys.

14 (3) A survey map may also show the intended location and dimensions  
15 of any contemplated improvement to be constructed anywhere within the  
16 condominium. Any contemplated improvement shown must be labeled either  
17 "MUST BE BUILT" or "NEED NOT BE BUILT."

18 (4) To the extent not shown or projected on the survey map, plans  
19 of the existing units must show or project:

20 (a) Subject to the provisions of subsection (8) of this section,  
21 the location and dimensions of the vertical boundaries of each unit,  
22 and that unit's identifying number;

23 (b) Any horizontal unit boundaries, with reference to an  
24 established datum, and that unit's identifying number; and

25 (c) Any units in which the declarant has reserved the right to  
26 create additional units or common elements under RCW 64.34.236(3),  
27 identified appropriately.

28 (5) Unless the declaration provides otherwise, the horizontal  
29 boundaries of part of a unit located outside of a building have the  
30 same elevation as the horizontal boundaries of the inside part and in  
31 such case need not be depicted on the survey map and plans.

32 (6) Upon exercising any development right, the declarant shall  
33 record either a new survey map and plans necessary to conform to the  
34 requirements of subsections (1), (2), and (3) of this section or new  
35 certifications of a survey map and plans previously recorded if the  
36 documents otherwise conform to the requirements of those subsections.

37 (7) Any survey map, plan, or certification required by this section  
38 shall be made by a licensed surveyor.

1 (8) In showing or projecting the location and dimensions of the  
2 vertical boundaries of a unit under subsections (2)(f) and (4)(a) of  
3 this section, it is not necessary to show the thickness of the walls  
4 constituting the vertical boundaries or otherwise show the distance of  
5 those vertical boundaries either from the exterior surface of the  
6 building containing that unit or from adjacent vertical boundaries of  
7 other units if: (a) The walls are designated to be the vertical  
8 boundaries of that unit; (b) the unit is located within a building, the  
9 location and dimensions of the building having been shown on the survey  
10 map under subsection (2)(b) of this section; and (c) the graphic  
11 general location of the vertical boundaries are shown in relation to  
12 the exterior surfaces of that building and to the vertical boundaries  
13 of other units within that building.

14 **Sec. 3.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read  
15 as follows:

16 (1) It is an unfair practice for any person, whether acting for  
17 himself, herself, or another, because of sex, marital status, race,  
18 creed, color, national origin, families with children status, the  
19 presence of any sensory, mental, or physical disability, or the use of  
20 a trained guide dog or service dog by a disabled person:

21 (a) To refuse to engage in a real estate transaction with a person;

22 (b) To discriminate against a person in the terms, conditions, or  
23 privileges of a real estate transaction or in the furnishing of  
24 facilities or services in connection therewith;

25 (c) To refuse to receive or to fail to transmit a bona fide offer  
26 to engage in a real estate transaction from a person;

27 (d) To refuse to negotiate for a real estate transaction with a  
28 person;

29 (e) To represent to a person that real property is not available  
30 for inspection, sale, rental, or lease when in fact it is so available,  
31 or to fail to bring a property listing to his or her attention, or to  
32 refuse to permit the person to inspect real property;

33 (f) To discriminate in the sale or rental, or to otherwise make  
34 unavailable or deny a dwelling, to any person; or to a person residing  
35 in or intending to reside in that dwelling after it is sold, rented, or  
36 made available; or to any person associated with the person buying or  
37 renting;

1 (g) To make, print, circulate, post, or mail, or cause to be so  
2 made or published a statement, advertisement, or sign, or to use a form  
3 of application for a real estate transaction, or to make a record or  
4 inquiry in connection with a prospective real estate transaction, which  
5 indicates, directly or indirectly, an intent to make a limitation,  
6 specification, or discrimination with respect thereto;

7 (h) To offer, solicit, accept, use, or retain a listing of real  
8 property with the understanding that a person may be discriminated  
9 against in a real estate transaction or in the furnishing of facilities  
10 or services in connection therewith;

11 (i) To expel a person from occupancy of real property;

12 (j) To discriminate in the course of negotiating, executing, or  
13 financing a real estate transaction whether by mortgage, deed of trust,  
14 contract, or other instrument imposing a lien or other security in real  
15 property, or in negotiating or executing any item or service related  
16 thereto including issuance of title insurance, mortgage insurance, loan  
17 guarantee, or other aspect of the transaction. Nothing in this section  
18 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
19 credit transactions; or

20 (k) To attempt to do any of the unfair practices defined in this  
21 section.

22 (2) For the purposes of this chapter discrimination based on the  
23 presence of any sensory, mental, or physical disability or the use of  
24 a trained guide dog or service dog by a blind, deaf, or physically  
25 disabled person includes:

26 (a) A refusal to permit, at the expense of the disabled person,  
27 reasonable modifications of existing premises occupied or to be  
28 occupied by such person if such modifications may be necessary to  
29 afford such person full enjoyment of the dwelling, except that, in the  
30 case of a rental, the landlord may, where it is reasonable to do so,  
31 condition permission for a modification on the renter agreeing to  
32 restore the interior of the dwelling to the condition that existed  
33 before the modification, reasonable wear and tear excepted;

34 (b) To refuse to make reasonable accommodation in rules, policies,  
35 practices, or services when such accommodations may be necessary to  
36 afford a person with the presence of any sensory, mental, or physical  
37 disability and/or the use of a trained guide dog or service dog by a  
38 blind, deaf, or physically disabled person equal opportunity to use and  
39 enjoy a dwelling; or



1 (c) To fail to design and construct covered multifamily dwellings  
2 and premises in conformance with the federal fair housing amendments  
3 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws  
4 or regulations pertaining to access by persons with any sensory,  
5 mental, or physical disability or use of a trained guide dog or service  
6 dog. Whenever the requirements of applicable laws or regulations  
7 differ, the requirements which require greater accessibility for  
8 persons with any sensory, mental, or physical disability shall govern.

9 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
10 single-family house rented or leased by the owner if the owner does not  
11 own or have an interest in the proceeds of the rental or lease of more  
12 than three such single-family houses at one time, the rental or lease  
13 occurred without the use of a real estate broker or salesperson, as  
14 defined in RCW 18.85.010, and the rental or lease occurred without the  
15 publication, posting, or mailing of any advertisement, sign, or  
16 statement in violation of subsection (1)(g) of this section; or (ii)  
17 rooms or units in dwellings containing living quarters occupied or  
18 intended to be occupied by no more than four families living  
19 independently of each other if the owner maintains and occupies one of  
20 the rooms or units as his or her residence.

21 (3) Notwithstanding any other provision of this chapter, it shall  
22 not be an unfair practice or a denial of civil rights for any public or  
23 private educational institution to separate the sexes or give  
24 preference to or limit use of dormitories, residence halls, or other  
25 student housing to persons of one sex or to make distinctions on the  
26 basis of marital or families with children status.

27 (4) Except pursuant to subsection (2)(a) of this section, this  
28 section shall not be construed to require structural changes,  
29 modifications, or additions to make facilities accessible to a disabled  
30 person except as otherwise required by law. Nothing in this section  
31 affects the rights, responsibilities, and remedies of landlords and  
32 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to  
33 post and enforce reasonable rules of conduct and safety for all tenants  
34 and their guests, provided that chapters 59.18 and 59.20 RCW are only  
35 affected to the extent they are inconsistent with the nondiscrimination  
36 requirements of this chapter. Nothing in this section limits the  
37 applicability of any reasonable federal, state, or local restrictions  
38 regarding the maximum number of occupants permitted to occupy a  
39 dwelling.

1 (5) Notwithstanding any other provision of this chapter, it shall  
2 not be an unfair practice for any public establishment providing for  
3 accommodations offered for the full enjoyment of transient guests as  
4 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of  
5 families with children status. Nothing in this section shall limit the  
6 effect of RCW 49.60.215 relating to unfair practices in places of  
7 public accommodation.

8 (6) Nothing in this chapter prohibiting discrimination based on  
9 families with children status applies to housing for older persons as  
10 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
11 Sec. 3607(b)(1) through (3), as amended by the housing for older  
12 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
13 Nothing in this chapter authorizes requirements for housing for older  
14 persons different than the requirements in the federal fair housing  
15 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
16 amended by the housing for older persons act of 1995, P.L. 104-76, as  
17 enacted on December 28, 1995."

18 Correct the title.

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