
SENATE BILL 5819

State of Washington

55th Legislature

1997 Regular Session

By Senator Patterson

Read first time 02/14/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to applicability of the Washington Condominium Act;
2 and amending RCW 64.34.010.

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

4 **Sec. 1.** RCW 64.34.010 and 1993 c 429 s 12 are each amended to read
5 as follows:

6 (1) This chapter applies to all condominiums created within this
7 state after July 1, 1990. RCW 64.34.040 (separate titles and
8 taxation), RCW 64.34.050 (applicability of local ordinances,
9 regulations, and building codes), RCW 64.34.060 (condemnation), RCW
10 64.34.208 (construction and validity of declaration and bylaws), RCW
11 64.34.212 (description of units), RCW 64.34.304(1)(a) through (f) and
12 (k) through (r) (powers of unit owners' association), RCW 64.34.308(1)
13 (board of directors and officers), RCW 64.34.308(3) (budget
14 presentation), RCW 64.34.340 (voting-proxies), RCW 64.34.344 (tort and
15 contract liability), RCW 64.34.354 (notification on sale of unit), RCW
16 64.34.360(3) (common expenses-assessments), RCW 64.34.364 (lien for
17 assessments), RCW 64.34.372 (association records), RCW 64.34.425
18 (resales of units), RCW 64.34.455 (effect of violation on rights of
19 action; attorney's fees), and RCW 64.34.020 (definitions) to the extent

1 necessary in construing any of those sections, apply to all
2 condominiums created in this state before July 1, 1990; but those
3 sections apply only with respect to events and circumstances occurring
4 after July 1, 1990, and do not invalidate or supersede existing,
5 inconsistent provisions of the declaration, bylaws, or survey maps or
6 plans of those condominiums.

7 (2) The provisions of chapter 64.32 RCW do not apply to
8 condominiums created after July 1, 1990, and do not invalidate any
9 amendment to the declaration, bylaws, and survey maps and plans of any
10 condominium created before July 1, 1990, if the amendment would be
11 permitted by this chapter. The amendment must be adopted in conformity
12 with the procedures and requirements specified by those instruments and
13 by chapter 64.32 RCW. If the amendment grants to any person any
14 rights, powers, or privileges permitted by this chapter which are not
15 otherwise provided for in the declaration or chapter 64.32 RCW, all
16 correlative obligations, liabilities, and restrictions in this chapter
17 also apply to that person.

18 (3) This chapter does not apply to condominiums or units located
19 outside this state.

20 (4) RCW 64.34.400 (applicability-waiver), RCW 64.34.405 (liability
21 for public offering statement requirements), RCW 64.34.410 (public
22 offering statement-general provisions), RCW 64.34.415 (public offering
23 statement-conversion condominiums), RCW 64.34.420 (purchaser's right to
24 cancel), RCW 64.34.430 (escrow of deposits), RCW 64.34.440 (conversion
25 condominiums-notice-tenants), and RCW 64.34.455 (effect of violations
26 on rights of action-attorney's fees) apply with respect to all sales of
27 units pursuant to purchase agreements entered into after July 1, 1990,
28 in condominiums created before July 1, 1990, in which as of July 1,
29 1990, the declarant or an affiliate of the declarant owns or had the
30 right to create at least ten units constituting at least twenty percent
31 of the units in the condominium.

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