

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5741**

Chapter 400, Laws of 1997

55th Legislature  
1997 Regular Session

CONDOMINIUMS--REQUIREMENTS FOR DISCLOSURES

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 21, 1997  
YEAS 44 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 10, 1997  
YEAS 96 NAYS 0

CLYDE BALLARD

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Approved May 16, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5741** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

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**Secretary**

FILED

May 16, 1997 - 3:26 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 5741**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By Senators Wood and Winsley**

Read first time 02/10/97.      Referred to Committee on Financial  
Institutions, Insurance & Housing.

1            AN ACT Relating to public offering statements for condominiums; and  
2 amending RCW 64.34.410, 64.34.232, and 49.60.222.

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

4            **Sec. 1.** RCW 64.34.410 and 1992 c 220 s 21 are each amended to read  
5 as follows:

6            (1) A public offering statement shall contain the following  
7 information:

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

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

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

11           (d) The relationship of the management company to the declarant, if  
12 any;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       ~~((u))~~ (v) A list of all development rights reserved to the  
2 declarant and all special declarant rights reserved to the declarant,  
3 together with the dates such rights must terminate, and a copy of or  
4 reference by recording number to any recorded transfer of a special  
5 declarant right;

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

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

12       ~~((x))~~ (y) A list of any physical hazards known to the declarant  
13 which particularly affect the condominium or the immediate vicinity in  
14 which the condominium is located and which are not readily  
15 ascertainable by the purchaser;

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

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

21       ~~((aa))~~ (bb) A statement of any unsatisfied judgments or pending  
22 suits against the association, a statement of the status of any pending  
23 suits material to the condominium of which the declarant has actual  
24 knowledge, and a statement of any litigation brought by an owners'  
25 association, unit owner, or governmental entity in which the declarant  
26 or any affiliate of the declarant has been a defendant, arising out of  
27 the construction, sale, or administration of any condominium within the  
28 previous five years, together with the results thereof, if known;

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

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

34       ~~((dd))~~ (ee) A notice which describes a purchaser's right to  
35 cancel the purchase agreement or extend the closing under RCW  
36 64.34.420, including applicable time frames and procedures;

37       ~~((ee))~~ (ff) Any reports or statements required by RCW 64.34.415  
38 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering  
39 statement of a condominium in connection with which a final certificate

1 of occupancy was issued more than sixty calendar months prior to the  
2 preparation of the public offering statement whether or not the  
3 condominium is a conversion condominium as defined in RCW  
4 64.34.020(10);

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

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

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

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

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

26 (2) The public offering statement shall include copies of each of  
27 the following documents: The declaration, the survey map and plans,  
28 the articles of incorporation of the association, bylaws of the  
29 association, rules and regulations, if any, current or proposed budget  
30 for the association, and the balance sheet of the association current  
31 within ninety days if assessments have been collected for ninety days  
32 or more.

33 If any of the foregoing documents listed in this subsection are not  
34 available because they have not been executed, adopted, or recorded,  
35 drafts of such documents shall be provided with the public offering  
36 statement, and, before closing the sale of a unit, the purchaser shall  
37 be given copies of any material changes between the draft of the  
38 proposed documents and the final documents.

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

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

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

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

14 (1) A survey map and plans executed by the declarant shall be  
15 recorded simultaneously with, and contain cross-references by recording  
16 number to, the declaration and any amendments. The survey map and  
17 plans must be clear and legible and contain a certification by the  
18 person making the survey or the plans that all information required by  
19 this section is supplied. All plans filed shall be in such style,  
20 size, form and quality as shall be prescribed by the recording  
21 authority of the county where filed, and a copy shall be delivered to  
22 the county assessor.

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

24 (a) The name of the condominium and a legal description and a  
25 survey of the land in the condominium and of any land that may be added  
26 to the condominium;

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

30 (c) The boundaries of any land subject to development rights,  
31 labeled "SUBJECT TO DEVELOPMENT RIGHTS SET FORTH IN THE DECLARATION";  
32 any land that may be added to the condominium shall also be labeled  
33 "MAY BE ADDED TO THE CONDOMINIUM"; any land that may be withdrawn from  
34 the condominium shall also be labeled "MAY BE WITHDRAWN FROM THE  
35 CONDOMINIUM";

36 (d) The extent of any encroachments by or upon any portion of the  
37 condominium;

1 (e) To the extent feasible, the location and dimensions of all  
2 recorded easements serving or burdening any portion of the condominium  
3 and any unrecorded easements of which a surveyor knows or reasonably  
4 should have known, based on standard industry practices, while  
5 conducting the survey;

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

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

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

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

19 (j) The general location of any existing principal common amenities  
20 listed in a public offering statement (~~((pursuant to))~~) under RCW  
21 64.34.410(1)((+i)) (j) and any limited common elements, including  
22 limited common element porches, balconies, patios, parking spaces, and  
23 storage facilities, but not including the other limited common elements  
24 described in RCW 64.34.204 (2) and (4);

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

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

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

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

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

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

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

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

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

15 (8) In showing or projecting the location and dimensions of the  
16 vertical boundaries of a unit under subsections (2)(f) and (4)(a) of  
17 this section, it is not necessary to show the thickness of the walls  
18 constituting the vertical boundaries or otherwise show the distance of  
19 those vertical boundaries either from the exterior surface of the  
20 building containing that unit or from adjacent vertical boundaries of  
21 other units if: (a) The walls are designated to be the vertical  
22 boundaries of that unit; (b) the unit is located within a building, the  
23 location and dimensions of the building having been shown on the survey  
24 map under subsection (2)(b) of this section; and (c) the graphic  
25 general location of the vertical boundaries are shown in relation to  
26 the exterior surfaces of that building and to the vertical boundaries  
27 of other units within that building.

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

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

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

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



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

3 (d) To refuse to negotiate for a real estate transaction with a  
4 person;

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

9 (f) To discriminate in the sale or rental, or to otherwise make  
10 unavailable or deny a dwelling, to any person; or to a person residing  
11 in or intending to reside in that dwelling after it is sold, rented, or  
12 made available; or to any person associated with the person buying or  
13 renting;

14 (g) To make, print, circulate, post, or mail, or cause to be so  
15 made or published a statement, advertisement, or sign, or to use a form  
16 of application for a real estate transaction, or to make a record or  
17 inquiry in connection with a prospective real estate transaction, which  
18 indicates, directly or indirectly, an intent to make a limitation,  
19 specification, or discrimination with respect thereto;

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

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

25 (j) To discriminate in the course of negotiating, executing, or  
26 financing a real estate transaction whether by mortgage, deed of trust,  
27 contract, or other instrument imposing a lien or other security in real  
28 property, or in negotiating or executing any item or service related  
29 thereto including issuance of title insurance, mortgage insurance, loan  
30 guarantee, or other aspect of the transaction. Nothing in this section  
31 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
32 credit transactions; or

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

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

1 (a) A refusal to permit, at the expense of the disabled person,  
2 reasonable modifications of existing premises occupied or to be  
3 occupied by such person if such modifications may be necessary to  
4 afford such person full enjoyment of the dwelling, except that, in the  
5 case of a rental, the landlord may, where it is reasonable to do so,  
6 condition permission for a modification on the renter agreeing to  
7 restore the interior of the dwelling to the condition that existed  
8 before the modification, reasonable wear and tear excepted;

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

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

23 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
24 single-family house rented or leased by the owner if the owner does not  
25 own or have an interest in the proceeds of the rental or lease of more  
26 than three such single-family houses at one time, the rental or lease  
27 occurred without the use of a real estate broker or salesperson, as  
28 defined in RCW 18.85.010, and the rental or lease occurred without the  
29 publication, posting, or mailing of any advertisement, sign, or  
30 statement in violation of subsection (1)(g) of this section; or (ii)  
31 rooms or units in dwellings containing living quarters occupied or  
32 intended to be occupied by no more than four families living  
33 independently of each other if the owner maintains and occupies one of  
34 the rooms or units as his or her residence.

35 (3) Notwithstanding any other provision of this chapter, it shall  
36 not be an unfair practice or a denial of civil rights for any public or  
37 private educational institution to separate the sexes or give  
38 preference to or limit use of dormitories, residence halls, or other

1 student housing to persons of one sex or to make distinctions on the  
2 basis of marital or families with children status.

3 (4) Except pursuant to subsection (2)(a) of this section, this  
4 section shall not be construed to require structural changes,  
5 modifications, or additions to make facilities accessible to a disabled  
6 person except as otherwise required by law. Nothing in this section  
7 affects the rights, responsibilities, and remedies of landlords and  
8 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to  
9 post and enforce reasonable rules of conduct and safety for all tenants  
10 and their guests, provided that chapters 59.18 and 59.20 RCW are only  
11 affected to the extent they are inconsistent with the nondiscrimination  
12 requirements of this chapter. Nothing in this section limits the  
13 applicability of any reasonable federal, state, or local restrictions  
14 regarding the maximum number of occupants permitted to occupy a  
15 dwelling.

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

23 (6) Nothing in this chapter prohibiting discrimination based on  
24 families with children status applies to housing for older persons as  
25 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
26 Sec. 3607(b)(1) through (3), as amended by the housing for older  
27 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
28 Nothing in this chapter authorizes requirements for housing for older  
29 persons different than the requirements in the federal fair housing  
30 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
31 amended by the housing for older persons act of 1995, P.L. 104-76, as  
32 enacted on December 28, 1995.

Passed the Senate April 21, 1997.

Passed the House April 10, 1997.

Approved by the Governor May 16, 1997.

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