

CERTIFICATION OF ENROLLMENT

SENATE BILL 5058

68th Legislature
2023 Regular Session

Passed by the Senate February 15,
2023

Yeas 48 Nays 0

President of the Senate

Passed by the House April 12, 2023

Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5058** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5058

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

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By Senators Padden, Pedersen, Billig, Fortunato, Holy, Short, and L. Wilson

Prefiled 12/16/22. Read first time 01/09/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to exempting buildings with 12 or fewer units
2 that are no more than two stories from the definition of multiunit
3 residential building; and amending RCW 64.55.010.

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

5 **Sec. 1.** RCW 64.55.010 and 2005 c 456 s 2 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 RCW 64.34.020 and in this section apply throughout this chapter.

9 (1) "Attached dwelling unit" means any dwelling unit that is
10 attached to another dwelling unit by a wall, floor, or ceiling that
11 separates heated living spaces. A garage is not a heated living
12 space.

13 (2) "Building enclosure" means that part of any building, above
14 or below grade, that physically separates the outside or exterior
15 environment from interior environments and which weatherproofs,
16 waterproofs, or otherwise protects the building or its components
17 from water or moisture intrusion. Interior environments consist of
18 both heated and unheated enclosed spaces. The building enclosure
19 includes, but is not limited to, that portion of roofs, walls,
20 balcony support columns, decks, windows, doors, vents, and other
21 penetrations through exterior walls, which waterproof, weatherproof,

1 or otherwise protect the building or its components from water or
2 moisture intrusion.

3 (3) "Building enclosure design documents" means plans, details,
4 and specifications for the building enclosure that have been stamped
5 by a licensed engineer or architect. The building enclosure design
6 documents shall include details and specifications that are
7 appropriate for the building in the professional judgment of the
8 architect or engineer (~~which~~) who prepared the same to waterproof,
9 weatherproof, and otherwise protect the building or its components
10 from water or moisture intrusion, including details of flashing,
11 intersections at roof, eaves or parapets, means of drainage, water-
12 resistive membrane, and details around openings.

13 (4) "Developer" means:

14 (a) With respect to a condominium or a conversion condominium,
15 the declarant; and

16 (b) With respect to all other buildings, an individual, group of
17 individuals, partnership, corporation, association, municipal
18 corporation, state agency, or other entity or person that obtains a
19 building permit for the construction or rehabilitative reconstruction
20 of a multiunit residential building. If a permit is obtained by
21 service providers such as architects, contractors, and consultants
22 who obtain permits for others as part of services rendered for a fee,
23 the person for whom the permit is obtained shall be the developer,
24 not the service provider.

25 (5) " Dwelling unit " has the meaning given to that phrase or
26 similar phrases in the ordinances of the jurisdiction issuing the
27 permit for construction of the building enclosure but if such
28 ordinances do not provide a definition, then "dwelling unit" means a
29 residence containing living, cooking, sleeping, and sanitary
30 facilities.

31 (6) "Multiunit residential building" means:

32 (a) A building containing more than two attached dwelling units,
33 including a building containing nonresidential units if the building
34 also contains more than two attached dwelling units, but excluding
35 the following classes of buildings:

- 36 (i) Hotels and motels;
- 37 (ii) Dormitories;
- 38 (iii) Care facilities;
- 39 (iv) Floating homes;

1 (v) A building that contains attached dwelling units that are
2 each located on a single platted lot, except as provided in (b) of
3 this subsection;

4 (vi) A building in which all of the dwelling units are held under
5 one ownership and is subject to a recorded irrevocable sale
6 prohibition covenant; and

7 (vii) A building with 12 or fewer units that is no more than two
8 stories.

9 (b) If the developer submits to the appropriate building
10 department when applying for the building permit described in RCW
11 64.55.020 a statement that the developer elects to treat the
12 improvement for which a permit is sought as a multiunit residential
13 building for all purposes under this chapter, then "multiunit
14 residential building" also means the following buildings for which
15 such election has been made:

16 (i) A building containing only two attached dwelling units;

17 (ii) A building that does not contain attached dwelling units;

18 and

19 (iii) Any building that contains attached dwelling units each of
20 which is located on a single platted lot.

21 (7) "Party unit owner" means a unit owner who is a named party to
22 an action subject to this chapter and does not include any unit
23 owners whose involvement with the action stems solely from their
24 membership in the association.

25 (8) "Qualified building inspector" means a person satisfying the
26 requirements of RCW 64.55.040.

27 (9) "Rehabilitative construction" means construction work on the
28 building enclosure of a multiunit residential building if the cost of
29 such construction work is more than five percent of the assessed
30 value of the building.

31 (10) "Sale prohibition covenant" means a recorded covenant that
32 prohibits the sale or other disposition of individual dwelling units
33 as or as part of a condominium for five years or more from the date
34 of first occupancy except as otherwise provided in RCW 64.55.090, a
35 certified copy of which the developer shall submit to the appropriate
36 building department; provided such covenant shall not apply to sales
37 or dispositions listed in RCW 64.34.400(2). The covenant must be
38 recorded in the county in which the building is located and must be
39 in substantially the following form:

1 This covenant has been recorded in the real property records
2 of County, Washington, in satisfaction of the
3 requirements of RCW 64.55.010 through 64.55.090. The
4 undersigned is the owner of the property described on Exhibit
5 A (the "Property"). Until termination of this covenant, no
6 dwelling unit in or on the Property may be sold as a
7 condominium unit except for sales listed in RCW 64.34.400(2).

8 This covenant terminates on the earlier of either: (a)
9 Compliance with the requirements of RCW 64.55.090, as
10 certified by the owner of the Property in a recorded
11 supplement hereto; or (b) the fifth anniversary of the date
12 of first occupancy of a dwelling unit as certified by the
13 Owner in a recorded supplement hereto.

14 All title insurance companies and persons acquiring an interest in
15 the Property may rely on the forgoing certifications without further
16 inquiry in issuing any policy of title insurance or in acquiring an
17 interest in the Property.

18 (11) "Stamped" means bearing the stamp and signature of the
19 responsible licensed architect or engineer on the title page, and on
20 every sheet of the documents, drawings, or specifications, including
21 modifications to the documents, drawings, and specifications that
22 become part of change orders or addenda to alter those documents,
23 drawings, or specifications.

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