

RCW 64.90.240 Limited common elements. (1)(a) Except for the limited common elements described in RCW 64.90.210 (1)(b) and (3), the declaration must specify to which unit or units each limited common element is allocated.

(b) An allocation of a limited common element may not be altered without the consent of the owners of the units from which and to which the limited common element is allocated.

(2)(a) Except in the case of a reallocation being made by a declarant pursuant to a development right reserved in the declaration, a limited common element may be reallocated between units only with the approval of the board and by an amendment to the declaration executed by the unit owners between or among whose units the reallocation is made.

(b) The board must approve the request of the unit owner or owners under this subsection (2) within 30 days, or within such other period provided by the declaration, unless the proposed reallocation does not comply with this chapter or the declaration. The failure of the board to act upon a request within such period is deemed an approval of the request. If approved, the unit owners must provide the proposed amendment to the association for review and approval before execution. The association may require revisions to ensure correctness, clarity, and compliance with this chapter or the declaration. Unless otherwise agreed by the unit owners and association, all costs of preparing, revising, executing, and recording the amendment shall be borne by the affected unit owners.

(c) The unit owners executing the amendment shall provide a copy of the amendment to the association, and the association shall record the amendment in accordance with the requirements of subsection (4) of this section.

(3)(a) A common element not previously allocated as a limited common element may be so allocated only by an amendment to the declaration. A unit owner may request the board to amend the declaration to allocate all or part of a common element as a limited common element for the exclusive use of the owner's unit. The board may prescribe in the amendment a condition or obligation, including an obligation to maintain the new limited common element or pay a fee or charge to the association.

(b) If the board approves the amendment, the board shall give notice to all unit owners of its action and include a statement that unit owners may object in a record to the amendment not later than 30 days after delivery of the notice. The amendment becomes effective if the board does not receive a timely objection.

(c) If the board receives a timely objection, the amendment becomes effective only if the unit owners of units to which at least 67 percent of the votes are allocated, including at least 67 percent of the votes that are allocated to units not owned by the declarant, vote under RCW 64.90.455 to approve the amendment.

(d) If the amendment becomes effective, the association and the owner of the benefited unit shall execute the amendment.

(4) The association shall record the amendment as provided in RCW 64.90.285. If the amendment changes information shown in a map concerning a common element or limited common element other than a common wall between units, the association shall prepare and record a revised map. [2024 c 321 s 306; 2018 c 277 s 209.]