
SENATE BILL 5168

State of Washington

66th Legislature

2019 Regular Session

By Senators Hasegawa and Saldaña

1 AN ACT Relating to providing notice before certain enforcement
2 actions taken by a homeowners' or condominium association; and
3 amending RCW 64.38.020 and 64.34.304.

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

5 **Sec. 1.** RCW 64.38.020 and 1995 c 283 s 4 are each amended to
6 read as follows:

7 Unless otherwise provided in the governing documents, an
8 association may:

9 (1) Adopt and amend bylaws, rules, and regulations;

10 (2) Adopt and amend budgets for revenues, expenditures, and
11 reserves, and impose and collect assessments for common expenses from
12 owners;

13 (3) Hire and discharge or contract with managing agents and other
14 employees, agents, and independent contractors;

15 (4) Institute, defend, or intervene in litigation or
16 administrative proceedings in its own name on behalf of itself or two
17 or more owners on matters affecting the homeowners' association, but
18 not on behalf of owners involved in disputes that are not the
19 responsibility of the association;

20 (5) Make contracts and incur liabilities;

1 (6) Regulate the use, maintenance, repair, replacement, and
2 modification of common areas;

3 (7) Cause additional improvements to be made as a part of the
4 common areas;

5 (8) Acquire, hold, encumber, and convey in its own name any
6 right, title, or interest to real or personal property;

7 (9) Grant easements, leases, licenses, and concessions through or
8 over the common areas and petition for or consent to the vacation of
9 streets and alleys;

10 (10) Impose and collect any payments, fees, or charges for the
11 use, rental, or operation of the common areas;

12 (11) Impose and collect charges for late payments of assessments
13 and, after providing a forty-five day notice ((and-an)) for a fair
14 and impartial opportunity to be heard by the board of directors or by
15 the representative designated by the board of directors and in
16 accordance with the procedures as provided in the bylaws or rules and
17 regulations adopted by the board of directors, levy reasonable fines
18 in accordance with a previously established schedule adopted by the
19 board of directors and furnished to the owners for violation of the
20 bylaws, rules, and regulations of the association;

21 (12) Exercise any other powers conferred by the bylaws;

22 (13) Exercise all other powers that may be exercised in this
23 state by the same type of corporation as the association; and

24 (14) Exercise any other powers necessary and proper for the
25 governance and operation of the association.

26 **Sec. 2.** RCW 64.34.304 and 2008 c 115 s 9 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (2) of this section, and
29 subject to the provisions of the declaration, the association may:

30 (a) Adopt and amend bylaws, rules, and regulations;

31 (b) Adopt and amend budgets for revenues, expenditures, and
32 reserves, and impose and collect assessments for common expenses from
33 unit owners;

34 (c) Hire and discharge or contract with managing agents and other
35 employees, agents, and independent contractors;

36 (d) Institute, defend, or intervene in litigation or
37 administrative proceedings in its own name on behalf of itself or two
38 or more unit owners on matters affecting the condominium;

39 (e) Make contracts and incur liabilities;

1 (f) Regulate the use, maintenance, repair, replacement, and
2 modification of common elements;

3 (g) Cause additional improvements to be made as a part of the
4 common elements;

5 (h) Acquire, hold, encumber, and convey in its own name any
6 right, title, or interest to real or personal property, but common
7 elements may be conveyed or subjected to a security interest only
8 pursuant to RCW 64.34.348;

9 (i) Grant easements, leases, licenses, and concessions through or
10 over the common elements and petition for or consent to the vacation
11 of streets and alleys;

12 (j) Impose and collect any payments, fees, or charges for the
13 use, rental, or operation of the common elements, other than limited
14 common elements described in RCW 64.34.204 (2) and (4), and for
15 services provided to unit owners;

16 (k) Impose and collect charges for late payment of assessments
17 pursuant to RCW 64.34.364(13) and, after providing a forty-five day
18 notice ((and an)) for a fair and impartial opportunity to be heard by
19 the board of directors or by such representative designated by the
20 board of directors and in accordance with such procedures as provided
21 in the declaration or bylaws or rules and regulations adopted by the
22 board of directors, levy reasonable fines in accordance with a
23 previously established schedule thereof adopted by the board of
24 directors and furnished to the owners for violations of the
25 declaration, bylaws, and rules and regulations of the association;

26 (l) Impose and collect reasonable charges for the preparation and
27 recording of amendments to the declaration, resale certificates
28 required by RCW 64.34.425, and statements of unpaid assessments;

29 (m) Provide for the indemnification of its officers and board of
30 directors and maintain directors' and officers' liability insurance;

31 (n) Assign its right to future income, including the right to
32 receive common expense assessments, but only to the extent the
33 declaration provides;

34 (o) Join in a petition for the establishment of a parking and
35 business improvement area, participate in the ratepayers' board or
36 other advisory body set up by the legislative authority for operation
37 of a parking and business improvement area, and pay special
38 assessments levied by the legislative authority on a parking and
39 business improvement area encompassing the condominium property for

1 activities and projects which benefit the condominium directly or
2 indirectly;

3 (p) Establish and administer a reserve account as described in
4 RCW 64.34.380;

5 (q) Prepare a reserve study as described in RCW 64.34.380;

6 (r) Exercise any other powers conferred by the declaration or
7 bylaws;

8 (s) Exercise all other powers that may be exercised in this state
9 by the same type of corporation as the association; and

10 (t) Exercise any other powers necessary and proper for the
11 governance and operation of the association.

12 (2) The declaration may not impose limitations on the power of
13 the association to deal with the declarant which are more restrictive
14 than the limitations imposed on the power of the association to deal
15 with other persons.

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