CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE HOUSE BILL 1793**

67th Legislature

2022 Regular Session

|  |  |
| --- | --- |
| Passed by the House February 9, 2022Yeas 67 Nays 29**Speaker of the House of Representatives**Passed by the Senate March 1, 2022Yeas 32 Nays 17**President of the Senate** | CERTIFICATEI, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1793** as passed by the House of Representatives and the Senate on the dates hereon set forth.Chief Clerk |
| Approved  |  |
| **Governor of the State of Washington** | **Secretary of State** **State of Washington** |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ENGROSSED SUBSTITUTE HOUSE BILL 1793**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Passed Legislature - 2022 Regular Session

**State of Washington 67th Legislature 2022 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet, and Kloba)

AN ACT Relating to electric vehicle charging stations in common interest communities; amending RCW 64.34.425 and 64.90.640; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  A new section is added to chapter 64.32 RCW to read as follows:

(1)(a) An association of apartment owners may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of an apartment owner in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(2) An association of apartment owners may require an apartment owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) An association of apartment owners may not assess or charge an apartment owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, an association of apartment owners must approve the installation in a designated parking space if the installation is reasonably possible and the apartment owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c)(i) Provide, within the time specified in (c)(ii) of this subsection, a certificate of insurance naming the association as an additional insured on the apartment owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station, or, reimbursement to the association for the actual cost of any increased insurance premium amount attributable to the charging station;

(ii) A certificate of insurance required under (c)(i) of this subsection must be provided within 14 days after the association approves the installation of the electric vehicle charging station. Reimbursement for an increased insurance premium amount under (c)(i) of this subsection must be provided within 14 days after the apartment owner receives the association's invoice for the amount attributable to the charging station;

(d) Register the electric vehicle charging station with the association within 30 days after installation;

(e) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(f) Comply with the requirements of this section.

(5)(a) An apartment owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the association, an apartment owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the apartment owner's cost and is removable without damage to the property owned by others may be removed at the apartment owner's cost. Nothing in this subsection requires the association to purchase the electric vehicle charging station.

(7) An apartment owner must disclose to any prospective buyers of the unit:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any apartment, common area, or limited common area resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) Obtaining and maintaining an insurance policy that meets the requirements in subsection (4)(c) of this section;

(e) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common area or limited common area after the removal; and

(f) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common area or limited common area.

(9) An association of apartment owners may install an electric vehicle charging station in the common areas for the use of all apartment owners and, in that case, the association must develop appropriate terms of use for the charging station.

(10)(a) An association of apartment owners that willfully violates this section is liable to the apartment owner for actual damages, and shall pay a civil penalty to the apartment owner in an amount not to exceed $1,000.

(b) In any action by an apartment owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing apartment owner.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular apartment owner, including a garage, a deeded parking space, and a parking space in a limited common area that is restricted for use by one or more apartment owners.

(b) "Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

NEW SECTION. **Sec.**  A new section is added to chapter 64.34 RCW to read as follows:

(1)(a) A unit owners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a unit owner, within the boundaries of a unit or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(2) A unit owners' association may require a unit owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) A unit owners' association may not assess or charge a unit owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, a unit owners' association must approve the installation within the boundaries of a unit or in a designated parking space if the installation is reasonably possible and the unit owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c)(i) Provide, within the time specified in (c)(ii) of this subsection, a certificate of insurance naming the association as an additional insured on the unit owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station, or, reimbursement to the association for the actual cost of any increased insurance premium amount attributable to the charging station;

(ii) A certificate of insurance required under (c)(i) of this subsection must be provided within 14 days after the association approves the installation of the electric vehicle charging station. Reimbursement for an increased insurance premium amount under (c)(i) of this subsection must be provided within 14 days after the unit owner receives the association's invoice for the amount attributable to the charging station;

(d) Register the electric vehicle charging station with the association within 30 days after installation;

(e) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(f) Comply with the requirements of this section.

(5)(a) A unit owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the unit owners' association, a unit owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the unit owner's cost and is removable without damage to the property owned by others may be removed at the unit owner's cost. Nothing in this subsection requires the association to purchase the electric vehicle charging station.

(7) A unit owner must disclose to any prospective buyers of the unit:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any unit, common element, or limited common element resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) Obtaining and maintaining an insurance policy that meets the requirements in subsection (4)(c) of this section;

(e) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common element or limited common element after the removal; and

(f) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common element or limited common element.

(9) A unit owners' association may install an electric vehicle charging station in the common elements for the use of all unit owners and, in that case, the association must develop appropriate terms of use for the charging station.

(10)(a) A unit owners' association that willfully violates this section is liable to the unit owner for actual damages, and shall pay a civil penalty to the unit owner in an amount not to exceed $1,000.

(b) In any action by a unit owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing unit owner.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular unit owner, including a garage, a deeded parking space, and a parking space in a limited common element that is restricted for use by one or more unit owners.

(b) "Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

NEW SECTION. **Sec.**  A new section is added to chapter 64.38 RCW to read as follows:

(1)(a) A homeowners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a lot owner, within the boundaries of a lot or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(2) A homeowners' association may require a lot owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) A homeowners' association may not assess or charge a lot owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, a homeowners' association must approve the installation within the boundaries of a lot or in a designated parking space if the installation is reasonably possible and the lot owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c) Register the electric vehicle charging station with the association within 30 days after installation;

(d) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(e) Comply with the requirements of this section.

(5)(a) A lot owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the homeowners' association, a lot owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the lot owner's cost and is removable without damage to the property owned by others may be removed at the lot owner's cost. Nothing in this subsection requires the association to purchase the electric vehicle charging station.

(7) A lot owner must disclose to any prospective buyers of the lot:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any lot, common area, or limited common area resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common area or limited common area after the removal; and

(e) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common area or limited common area.

(9) A homeowners' association may install an electric vehicle charging station in the common area for the use of all lot owners and, in that case, the association must develop appropriate terms of use for the charging station.

(10)(a) A homeowners' association that willfully violates this section is liable to the lot owner for actual damages, and shall pay a civil penalty to the lot owner in an amount not to exceed $1,000.

(b) In any action by a lot owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing lot owner.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular lot owner, including a garage, a deeded parking space, and a parking space in a limited common area that is restricted for use by one or more lot owners.

(b) "Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

NEW SECTION. **Sec.**  A new section is added to chapter 64.90 RCW to read as follows:

(1)(a) A unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a unit owner, within the boundaries of a unit or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(2) A unit owners association may require a unit owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) An association may not assess or charge a unit owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, a unit owners association must approve the installation within the boundaries of a unit or in a designated parking space if the installation is reasonably possible and the unit owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c)(i) Provide, within the time specified in (c)(ii) of this subsection, a certificate of insurance naming the association as an additional insured on the unit owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station in a common interest community other than an association of single-family homes, site condominiums, or a planned use development where the units are not immediately adjacent;

(ii) A certificate of insurance required under (c)(i) of this subsection must be provided within 14 days after the association approves the installation of the electric vehicle charging station. Reimbursement for an increased insurance premium amount under (c)(i) of this subsection must be provided within 14 days after the unit owner receives the association's invoice for the amount attributable to the charging station;

(d) Register the electric vehicle charging station with the association within 30 days after installation;

(e) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(f) Comply with the requirements of this section.

(5)(a) A unit owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the unit owners association, a unit owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the unit owner's cost and is removable without damage to the property owned by others may be removed at the unit owner's cost. Nothing in this subsection requires the association to purchase the electric vehicle charging station.

(7) A unit owner must disclose to any prospective buyers of the unit:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any unit, common element, or limited common element resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) Obtaining and maintaining an insurance policy that meets the requirements in subsection (4)(c) of this section;

(e) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common element or limited common element after the removal; and

(f) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common element or limited common element.

(9) A unit owners association may install an electric vehicle charging station in the common elements for the use of all unit owners and, in that case, the association must develop appropriate terms of use for the charging station.

(10)(a) A unit owners association that willfully violates this section is liable to the unit owner for actual damages, and shall pay a civil penalty to the unit owner in an amount not to exceed $1,000.

(b) In any action by a unit owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing unit owner.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular unit owner, including a garage, a deeded parking space, and a parking space in a limited common element that is restricted for use by one or more unit owners.

(b) "Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

**Sec.**  RCW 64.34.425 and 2011 c 48 s 1 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within ((~~forty-five~~)) 45 days, of any common expenses or special assessments against any unit in the condominium that are past due over ((~~thirty~~)) 30 days;

(d) A statement, which shall be current to within ((~~forty-five~~)) 45 days, of any obligation of the association which is past due over ((~~thirty~~)) 30 days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within ((~~one hundred twenty~~)) 120 days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof;

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, the association's current reserve study, if any, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association;

(r) A statement, as required by RCW 64.35.210, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty; ((~~and~~))

(s) A statement describing any requirements related to electric vehicle charging stations located in the unit or the limited common elements assigned to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs; and

(t) If the association does not have a reserve study that has been prepared in accordance with RCW 64.34.380 and 64.34.382 or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within ((~~ten~~)) 10 days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed ((~~two hundred seventy-five dollars~~)) $275. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

**Sec.**  RCW 64.90.640 and 2018 c 277 s 409 are each amended to read as follows:

(1) Except in the case of a sale when delivery of a public offering statement is required, or unless exempt under RCW 64.90.600(2), a unit owner must furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) With respect to the selling unit owner's unit, a statement setting forth the amount of any assessment currently due, any delinquent assessments, and a statement of any special assessments that have been levied and have not been paid even though not yet due;

(c) A statement, which must be current to within ((~~forty-five~~)) 45 days, of any assessments against any unit in the condominium that are past due over ((~~thirty~~)) 30 days;

(d) A statement, which must be current to within ((~~forty-five~~)) 45 days, of any monetary obligation of the association that is past due over ((~~thirty~~)) 30 days;

(e) A statement of any other fees payable to the association by unit owners;

(f) A statement of any expenditure or anticipated repair or replacement cost reasonably anticipated to be in excess of five percent of the board-approved annual budget of the association, regardless of whether the unit owners are entitled to approve such cost;

(g) A statement whether the association does or does not have a reserve study prepared in accordance with RCW 64.90.545 and 64.90.550;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) The most recent balance sheet and revenue and expense statement, if any, of the association;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any legal actions in which the association is a party or a claimant as defined in RCW 64.50.010;

(l) A statement describing any insurance coverage carried by the association and contact information for the association's insurance broker or agent;

(m) A statement as to whether the board has given or received notice in a record that any existing uses, occupancies, alterations, or improvements in or to the seller's unit or to the limited common elements allocated to the unit violate any provision of the governing documents;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether the board has received notice in a record from a governmental agency of any violation of environmental, health, or building codes with respect to the seller's unit, the limited common elements allocated to that unit, or any other portion of the common interest community that has not been cured;

(p) A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal of the leasehold estate;

(q) A statement of any restrictions in the declaration affecting the amount that may be received by a unit owner upon sale;

(r) In a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real estate taxes and interest paid by the association;

(s) A statement describing any pending sale or encumbrance of common elements;

(t) A statement disclosing the effect on the unit to be conveyed of any restrictions on the owner's right to use or occupy the unit or to lease the unit to another person;

(u) A copy of the declaration, the organizational documents, the rules or regulations of the association, the minutes of board meetings and association meetings, except for any information exempt from disclosure under RCW 64.90.495(3), for the last ((~~twelve~~)) 12 months, a summary of the current reserve study for the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration, or the department of housing and urban development is deemed reasonable if the information is reasonably available to the association;

(v) A statement whether the units or common elements of the common interest community are covered by a qualified warranty under chapter 64.35 RCW and, if so, a history of claims known to the association as having been made under any such warranty;

(w) A description of any age-related occupancy restrictions affecting the common interest community; ((~~and~~))

(x) A statement describing any requirements related to electric vehicle charging stations located in the unit or the limited common elements allocated to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs; and

(y) If the association does not have a reserve study that has been prepared in accordance with RCW 64.90.545 and 64.90.550 or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within ((~~ten~~)) 10 days after a request by a unit owner, and subject to the payment of any fees imposed pursuant to RCW 64.90.405(2)(m), must furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed ((~~two hundred seventy-five dollars~~)) $275. The association may charge a unit owner a nominal fee not to exceed ((~~one hundred dollars~~)) $100 for updating a resale certificate within six months of the unit owner's request. A unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(3)(a) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association.

(b) A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

**--- END ---**