
ENGROSSED SUBSTITUTE HOUSE BILL 1793

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)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to electric vehicle charging stations in common
2 interest communities; amending RCW 64.34.425 and 64.90.640; adding a
3 new section to chapter 64.32 RCW; adding a new section to chapter
4 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new
5 section to chapter 64.90 RCW; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.32
8 RCW to read as follows:

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

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

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

18 (b) Nothing in this section prohibits an association from
19 imposing reasonable restrictions on electric vehicle charging
20 stations. However, it is the policy of the state to promote,

1 encourage, and remove obstacles to the use of electric vehicle
2 charging stations.

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

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

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

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

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

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

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

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

36 (c) (i) Provide, within the time specified in (c) (ii) of this
37 subsection, a certificate of insurance naming the association as an
38 additional insured on the apartment owner's insurance policy for any
39 claim related to the installation, maintenance, or use of the
40 electric vehicle charging station, or, reimbursement to the

1 association for the actual cost of any increased insurance premium
2 amount attributable to the charging station;

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

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

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

15 (f) Comply with the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) "Electric vehicle charging station" means a station that
37 delivers electricity from a source outside an electric vehicle into
38 one or more electric vehicles. An electric vehicle charging station
39 may include several charge points simultaneously connecting several

1 electric vehicles to the station and any related equipment needed to
2 facilitate charging plug-in electric vehicles.

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

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.34
8 RCW to read as follows:

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

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

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

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

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

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

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

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

36 (d) A unit owners' association may not assess or charge a unit
37 owner a fee for the placement of an electric vehicle charging
38 station. An association may charge a reasonable fee for processing
39 the application to approve the installation of an electric vehicle

1 charging station, but only if such a fee exists for all applications
2 for approval of architectural modifications.

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

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

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

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

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

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

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

35 (f) Comply with the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.38
25 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (e) Comply with the requirements of this section.

39 (5) (a) A lot owner must obtain any permit or approval for an
40 electric vehicle charging station as required by the local government

1 in which the common interest community is located and comply with all
2 relevant building codes and safety standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 64.90
25 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (f) Comply with the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (c) "Reasonable restriction" means a restriction that does not
39 significantly increase the cost of an electric vehicle charging

1 station or significantly decrease its efficiency or specified
2 performance.

3 **Sec. 5.** RCW 64.34.425 and 2011 c 48 s 1 are each amended to read
4 as follows:

5 (1) Except in the case of a sale where delivery of a public
6 offering statement is required, or unless exempt under RCW
7 64.34.400(2), a unit owner shall furnish to a purchaser before
8 execution of any contract for sale of a unit, or otherwise before
9 conveyance, a resale certificate, signed by an officer or authorized
10 agent of the association and based on the books and records of the
11 association and the actual knowledge of the person signing the
12 certificate, containing:

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

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

21 (c) A statement, which shall be current to within (~~forty-five~~)
22 45 days, of any common expenses or special assessments against any
23 unit in the condominium that are past due over (~~thirty~~) 30 days;

24 (d) A statement, which shall be current to within (~~forty-five~~)
25 45 days, of any obligation of the association which is past due over
26 (~~thirty~~) 30 days;

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

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

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

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

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

1 (j) The current operating budget of the association;

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **Sec. 6.** RCW 64.90.640 and 2018 c 277 s 409 are each amended to
32 read as follows:

33 (1) Except in the case of a sale when delivery of a public
34 offering statement is required, or unless exempt under RCW
35 64.90.600(2), a unit owner must furnish to a purchaser before
36 execution of any contract for sale of a unit, or otherwise before
37 conveyance, a resale certificate, signed by an officer or authorized
38 agent of the association and based on the books and records of the

1 association and the actual knowledge of the person signing the
2 certificate, containing:

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

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

10 (c) A statement, which must be current to within (~~forty-five~~)
11 45 days, of any assessments against any unit in the condominium that
12 are past due over (~~thirty~~) 30 days;

13 (d) A statement, which must be current to within (~~forty-five~~)
14 45 days, of any monetary obligation of the association that is past
15 due over (~~thirty~~) 30 days;

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

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

23 (g) A statement whether the association does or does not have a
24 reserve study prepared in accordance with RCW 64.90.545 and
25 64.90.550;

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

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

31 (j) The current operating budget of the association;

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

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

38 (m) A statement as to whether the board has given or received
39 notice in a record that any existing uses, occupancies, alterations,
40 or improvements in or to the seller's unit or to the limited common

1 elements allocated to the unit violate any provision of the governing
2 documents;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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