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## Housing Committee

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### HB 1199

**Brief Description:** Addressing licensed child care in common interest communities.

**Sponsors:** Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse and Pollet.

**Brief Summary of Bill**

- Prohibits an association of unit owners in a common interest community from prohibiting, unreasonably restricting, or limiting the use of a unit as a licensed family home child care or as a licensed child day care center.

**Hearing Date:** 1/16/23

**Staff:** Audrey Vasek (786-7383).

**Background:**

A common interest community (CIC) is a form of real estate in which each unit owner or homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in common area property. In Washington, several statutes govern residential CICs, such as condominiums, cooperatives, leasehold CICs, miscellaneous communities, and plat communities.

The Washington Uniform Common Interest Ownership Act (WUCIOA) took effect July 1, 2018, and is applicable to CICs created after that date. A CIC created prior to the effective date of the WUCIOA may choose to opt in to the WUCIOA, which contains comprehensive provisions addressing the management of property under its jurisdiction.

Otherwise, CICs created before July 1, 2018, remain subject to the following acts, which

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generally leave much of the working of a CIC to the governing documents:

- the Horizontal Property Regimes Act, which applies to residential condominiums created on or before July 1, 1990;
- the Washington Condominium Act, which applies to condominiums created after July 1, 1990; and
- the Homeowners' Association Act, which provides a framework for the formation and legal administration of homeowners' associations.

A CIC is administered by an association of unit owners or a homeowners' association—an organization consisting of property owners and homeowners within the CIC. An association of unit owners derives its authority from several documents, including the declaration of covenants, conditions, and restrictions, the association's bylaws and articles of incorporation, and the deeds to the property within a development.

The primary functions of a unit owners' association include: managing and maintaining common areas, such as parks, roads, and community centers, for the benefit of the community; imposing and collecting assessments on unit owners; and enforcing restrictive covenants that govern the community. In addition, a unit owners' association may adopt rules and regulations concerning property use in the community and impose fines for violations of those rules.

**Summary of Bill:**

An association of unit owners or homeowners in a common interest community subject to the Washington Uniform Common Interest Ownership Act, the Homeowners' Association Act, the Washington Condominium Act, and the Horizontal Property Regimes Act:

- Is prohibited from prohibiting, unreasonably restricting, or limiting the use of a unit as a licensed family home child care or as a licensed child day care center.
- Is not prohibited from imposing reasonable regulations on a family home child care or a child day care center as long as the regulations are identical to those applied to all other units within the same association.

An association of unit owners that willfully violates this prohibition is liable to the child care provider for actual damages and must pay a civil penalty in an amount not to exceed \$1,000.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.