
Civil Rights & Judiciary Committee

HB 2304

Brief Description: Increasing the supply of condominiums by expanding the types of condominium buildings that may be subject to an express warranty of quality and express warranty insurance coverage.

Sponsors: Representatives Taylor, Reed, Ramel, Ryu, Zahn, Kloba, Thomas, Doglio, Gregerson, Ormsby, Connors, Barkis, Goodman, Leavitt, Fosse, Low, Salahuddin, Hill and Bernbaum.

Brief Summary of Bill

- Authorizes a declarant or dealer to offer an express warranty of quality and express warranty insurance coverage, as an alternative to the implied warranty of quality under the Washington Uniform Common Interest Ownership Act, for any new or conversion building with four or fewer stories, rather than three or fewer stories.

Hearing Date: 1/23/26

Staff: Yelena Baker (786-7301).

Background:

A condominium consists of real property that has individually owned units and commonly held elements in which all the individual unit owners have an undivided common interest. A condominium may be created by the construction of a new condominium building, or by the conversion of an existing building, such as an existing apartment building.

The Washington Uniform Common Interest Ownership Act (WUCIOA) took effect on July 1, 2018, and is applicable to residential common interest communities, including condominiums,

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created after that date.

The WUCIOA creates implied warranties regarding the quality of materials and construction in a condominium. Under these provisions, in common interest communities created on or after July 27, 2025, a declarant and any dealer impliedly warrants to a purchaser of a condominium unit that the unit and the common elements are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by the declarant or dealer will be:

- free from defective materials;
- constructed in accordance with the plans, specifications approved by the applicable jurisdiction for the construction of the condominium, manufacturer installation guidelines, applicable building codes in effect at the time of permit approval, and any published industry standards specifically incorporated into the applicable building codes in effect at the time of permit approval; and
- constructed in a workmanlike manner.

A declarant or dealer is not subject to the implied warranties of quality if the declarant or dealer instead provides an express warranty of quality and express warranty insurance coverage (2-10 warranty) that:

- requires acknowledgment by the purchaser that the express warranty of quality applies;
- allows for recovery of defects under the express warranty;
- applies to all units and common areas within the building; and
- provides minimum coverage periods for: defective workmanship and materials (one year); defective plumbing, electrical, and ductwork distribution systems (two years); and structural defects to load-bearing structural members (10 years).

The WUCIOA authorizes a declarant or dealer to provide the 2-10 warranty for condominiums created on or after July 27, 2025, if the condominium building contains 12 or fewer units and:

- is two or fewer stories;
- is three or fewer stories, if one story is used for parking or as a commercial space; or
- no unit is physically located above or below any other unit, except for balconies, decks, or minor building features.

Summary of Bill:

For condominiums created on or after the effective date of the bill, a declarant or dealer may provide a 2-10 warranty for a condominium unit located in a building containing 12 or fewer units and four or fewer stories.

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.