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**HOUSE BILL 2354**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Representatives Reed, Ramel, Hill, and Bernbaum

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1 AN ACT Relating to common interest communities; and amending RCW  
2 64.90.015, 64.90.513, 64.90.580, 64.90.360, and 64.90.545.

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

4 **Sec. 1.** RCW 64.90.015 and 2025 c 119 s 7 are each amended to  
5 read as follows:

6 (1) Except as expressly provided in this chapter, the effect of  
7 the provisions of this chapter may not be varied by agreement, and  
8 rights conferred by this chapter may not be waived. Except as  
9 provided otherwise in RCW 64.90.110, a declarant may not act under a  
10 power of attorney, or use any other device, to evade the limitations  
11 or prohibitions of this chapter or the declaration.

12 (2) Except as provided in subsection (3) of this section, the  
13 governing documents may not vary a provision of this chapter that  
14 gives a right to or imposes an obligation or liability on a unit  
15 owner, declarant, association, or board.

16 (3) The governing documents may vary the following provisions as  
17 provided in the provision:

18 (a) RCW 64.90.020(1), concerning classification of a cooperative  
19 unit as real estate or personal property;

1 (b) RCW 64.90.030 (2) and (3), concerning reallocation of  
2 allocated interests and allocation of proceeds after a taking by  
3 eminent domain;

4 (c) RCW 64.90.360(4), 64.90.370, and 64.90.100, concerning  
5 elections regarding applicability of this chapter;

6 (d) RCW 64.90.100 (1), (2), and (3), concerning communities  
7 restricted to nonresidential uses;

8 (e) RCW 64.90.200(3) (a) and (b), concerning the timing of the  
9 conveyance of common elements to the association, and the vesting of  
10 real estate owned by the association on termination;

11 (f) RCW 64.90.210, concerning boundaries between units and common  
12 elements;

13 (g) RCW 64.90.240 (2) and (3), concerning reallocation of limited  
14 common elements;

15 (h) RCW 64.90.245(11), concerning horizontal boundaries of units;

16 (i) RCW 64.90.255, concerning alterations of units and common  
17 elements made by unit owners;

18 (j) RCW 64.90.260 (1) and (2), concerning relocation of  
19 boundaries between units;

20 (k) RCW 64.90.265 (1) and (2), concerning subdivision and  
21 combination of units;

22 (l) RCW 64.90.275, concerning sales offices, management offices,  
23 models, and signs maintained by a declarant;

24 (m) RCW 64.90.280 (1) and (3), concerning easements through, and  
25 rights to use, common elements;

26 (n) RCW 64.90.285 (1) and (8), concerning the percentage of votes  
27 and consents required to amend the declaration;

28 (o) RCW 64.90.290 (1) and (8), concerning the percentage of votes  
29 required to terminate a common interest community and priority of  
30 creditors of a cooperative;

31 (p) RCW 64.90.360(4) (a), concerning small communities;

32 (q) RCW 64.90.405 (4) (c) and (5) (c), concerning an association's  
33 assignment of rights to future income, the number of votes required  
34 to reject a proposal to borrow funds, and the right to terminate a  
35 lease or evict a tenant;

36 (r) RCW 64.90.410 (1) and (2), concerning the board acting on  
37 behalf of the association and the election of officers by the board;

38 (s) RCW 64.90.420(2), concerning costs of audits;

39 (t) RCW 64.90.435(1) (b), concerning election of officers by unit  
40 owners;

1 (u) RCW 64.90.440 (1) and (4), concerning responsibility for  
2 maintenance, repair, and replacement of units and common elements and  
3 treatment of income or proceeds from real estate subject to  
4 development rights;

5 (v) RCW 64.90.445 (1)(b) and (2)(i), concerning meetings;

6 (w) RCW 64.90.450, concerning quorum requirements for meetings;

7 (x) RCW 64.90.455 (3), (4), (5), and (8), concerning unit owner  
8 voting;

9 (y) RCW 64.90.465 (1), (2), and (7), concerning the percentage of  
10 votes required to convey or encumber common elements and the effect  
11 of conveyance or encumbrance of common elements;

12 (z) RCW 64.90.470 (2) and (11), concerning insurance where the  
13 units are attached, and insurance for a nonresidential common  
14 interest community;

15 (aa) RCW 64.90.475(2), concerning payment of surplus funds of the  
16 association;

17 (bb) RCW 64.90.485 (7) and (20), concerning priority and  
18 foreclosure of liens held by two or more associations;

19 (cc) RCW 64.90.505 (1) and (3), concerning the adoption of rules;

20 (dd) (~~RCW 64.90.513(8), concerning responsibility for electric~~  
21 ~~vehicle charging stations;~~

22 ~~(ee))~~ RCW 64.90.520(4), concerning the board's ability to remove  
23 an officer elected by the board;

24 (~~(ff))~~ (ee) RCW 64.90.525(1), concerning the percentage of  
25 votes required to reject a budget; and

26 (~~(gg))~~ (ff) RCW 64.90.545(2), concerning applicability of  
27 reserve study requirements to certain types of common interest  
28 communities(~~;~~ ~~and~~

29 ~~(hh) RCW 64.90.580(7), concerning responsibility for heat~~  
30 ~~pumps)).~~

31 **Sec. 2.** RCW 64.90.513 and 2025 c 119 s 21 are each amended to  
32 read as follows:

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

36 (i) Effectively prohibits or unreasonably restricts the  
37 installation or use of an electric vehicle charging station in  
38 compliance with the requirements of this section and for the personal

1 noncommercial use of a unit owner, within the boundaries of a unit or  
2 in a designated parking space; or

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

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

9 (c) Notwithstanding (a) or (b) of this subsection, an association  
10 of single-family homes, site condominiums, or a planned use  
11 development where the units are not immediately adjacent may not  
12 require approval of the installation of an electric vehicle charging  
13 station unless the electric vehicle charging station:

14 (i) Is installed within or upon a common element; or

15 (ii) Is connected to a common electrical power supply.

16 (2) A unit owners association may require a unit owner to submit  
17 an application for approval for the installation of an electric  
18 vehicle charging station before installing the charging station  
19 unless such installation is exempt from restrictions pursuant to  
20 subsection (1)(c) of this section.

21 (3)(a) If approval is required for the installation or use of an  
22 electric vehicle charging station subject to subsection (2) of this  
23 section, the application for approval must be processed and approved  
24 in the same manner as an application for approval of an architectural  
25 modification.

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

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

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

38 (4) If approval is required for the installation or use of an  
39 electric vehicle charging station subject to subsection (2) of this  
40 section, a unit owners association must approve the installation

1 within the boundaries of a unit or in a designated parking space if  
2 the installation is reasonably possible and the unit owner agrees in  
3 writing to:

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

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

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

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

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

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

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

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

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

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

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

9 (7) When an installed electric vehicle charging station is not  
10 exempt from restrictions pursuant to subsection (1)(c) of this  
11 section, a unit owner must disclose to any prospective buyers of the  
12 unit:

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

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

17 (8) (~~Except as set forth in the governing documents and~~  
18 ~~without~~) Without regard for when an electric vehicle charging  
19 station was first put into service and the location of any components  
20 thereof, the owner and each successive owner of an electric vehicle  
21 charging station exclusively serving the owner's unit is responsible  
22 for:

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **Sec. 3.** RCW 64.90.580 and 2025 c 119 s 25 are each amended to  
29 read as follows:

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

33 (i) Effectively prohibits or unreasonably restricts the  
34 installation or use of a heat pump in compliance with the  
35 requirements of this section and for the personal use of a unit owner  
36 within the boundaries of a unit; or

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

38 (b) Nothing in this section prohibits an association from  
39 imposing reasonable restrictions on heat pumps.

1 (c) This section must not be construed to permit installation by  
2 a unit owner of heat pump equipment on or in common elements without  
3 approval of the board which shall not be unreasonably withheld.

4 (2) A unit owners association may require a unit owner to submit  
5 an application for approval for the installation of a heat pump  
6 before installing the heat pump.

7 (3)(a) If approval is required for the installation of a heat  
8 pump, the application for approval must be processed and approved in  
9 the same manner as an application for approval of an architectural  
10 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 may not assess or charge a unit owner a fee  
18 for the installation of a heat pump. An association may charge a  
19 reasonable fee for processing the application to approve the  
20 installation of a heat pump, but only if such a fee exists for all  
21 applications for approval of architectural modifications.

22 (4) If approval is required for the installation of a heat pump,  
23 a unit owners association must approve the installation if the  
24 installation is reasonably possible and the unit owner agrees in  
25 writing to:

26 (a) Comply with the association's reasonable architectural  
27 standards applicable to the installation of the heat pump;

28 (b) Engage a heating, ventilation, and air conditioning (HVAC)  
29 contractor familiar with the standards for the installation of heat  
30 pumps to assess the existing infrastructure necessary to support the  
31 proposed heat pump, identify additional infrastructure needs, and  
32 install the heat pump; and

33 (c) Comply with the requirements of this section.

34 (5)(a) A unit owner must obtain any permit or approval for a heat  
35 pump as required by the local government in which the common interest  
36 community is located and comply with all relevant building codes and  
37 safety standards.

38 (b) A heat pump must meet all applicable health and safety  
39 standards and requirements imposed by national, state, or local

1 authorities, and all other applicable zoning, land use or other  
2 ordinances, building codes, or land use permits.

3 (6) (a) Unless otherwise agreed to by written contract with the  
4 unit owners association, a unit owner is responsible for the costs of  
5 installing a heat pump.

6 (b) Heat pump equipment that is installed at the unit owner's  
7 cost and is removable without damage to the property owned by others  
8 may be removed at the unit owner's cost.

9 (7) (~~Except as set forth in the governing documents and~~  
10 ~~without~~) Without regard for when a heat pump was first put into  
11 service and the location of any components thereof, the unit owner  
12 and each successive owner of a heat pump exclusively serving the  
13 owner's unit is responsible for:

14 (a) Costs for the inspection, maintenance, repair, and  
15 replacement of the heat pump up until the heat pump is removed;

16 (b) Costs for damage to the heat pump, any unit, common element,  
17 or limited common element resulting from the installation,  
18 inspection, use, maintenance, repair, removal, or replacement of the  
19 heat pump;

20 (c) If the unit owner decides to remove the heat pump, costs for  
21 the removal and the restoration of the common elements or limited  
22 common elements after the removal; and

23 (d) Removing heat pump equipment if reasonably necessary for the  
24 inspection, repair, maintenance, or replacement of the common element  
25 or limited common element.

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

29 (b) In any action by a unit owner requesting to have a heat pump  
30 installed and seeking to enforce compliance with this section, the  
31 court shall award reasonable attorneys' fees and costs to any  
32 prevailing unit owner.

33 (9) For the purposes of this section:

34 (a) "Heat pump" means a heating or refrigerating system used to  
35 transfer heat. The heat pump condenser and evaporator may change  
36 roles to transfer heat in either direction. By receiving the flow of  
37 air or other fluid, a heat pump is used to cool or heat.

38 (b) "Reasonable restriction" means a restriction that does not  
39 significantly increase the cost of a heat pump or significantly  
40 decrease its efficiency or specified performance.

1       **Sec. 4.** RCW 64.90.360 and 2025 c 119 s 10 are each amended to  
2 read as follows:

3       (1) Except as provided otherwise in this section, RCW 64.90.365  
4 and 64.90.375, this chapter applies to all common interest  
5 communities.

6       (2) Before January 1, 2028, this chapter applies only to:

7       (a) A common interest community created on or after July 1, 2018;  
8 and

9       (b) A common interest community created before July 1, 2018, that  
10 amends its declaration to elect to be subject to this chapter.

11       (3) Chapters 58.19, 64.32, 64.34, and 64.38 RCW:

12       (a) Do not apply to common interest communities subject to this  
13 chapter; and

14       (b) Apply to a common interest community created before July 1,  
15 2018, only until the community becomes subject to this chapter.

16       (4) (a) Unless the declaration provides that this entire chapter  
17 is applicable, a plat community or miscellaneous community that is  
18 not subject to any development right is subject only to:

19       (i) RCW 64.90.010, 64.90.015, 64.90.020, 64.90.025, 64.90.030,  
20 64.90.035, 64.90.040, 64.90.045, 64.90.050, 64.90.055, 64.90.060,  
21 64.90.065, 64.90.070, 64.90.085, 64.90.090, 64.90.100, 64.90.105,  
22 64.90.110, 64.90.115, 64.90.210, 64.90.225, 64.90.230, 64.90.235,  
23 64.90.240, 64.90.245, 64.90.255, 64.90.260, 64.90.265, 64.90.280,  
24 64.90.285, 64.90.290, 64.90.300, 64.90.340, 64.90.350, 64.90.360,  
25 64.90.400, 64.90.405, 64.90.410, 64.90.415, 64.90.420, 64.90.435,  
26 64.90.445, 64.90.450, 64.90.455, 64.90.465, 64.90.480, 64.90.485,  
27 64.90.490, 64.90.495, 64.90.502, 64.90.505, 64.90.510, 64.90.511,  
28 64.90.5111, 64.90.512, 64.90.513, 64.90.515, 64.90.518, 64.90.520,  
29 64.90.525, 64.90.530, 64.90.535, 64.90.540, 64.90.545, 64.90.550,  
30 64.90.555, 64.90.560, 64.90.565, 64.90.570, 64.90.575, 64.90.580,  
31 64.90.585, 64.90.640, and 64.90.685, if the community: (~~(i)~~)

32       (A) Contains no more than 50 units; and (~~(ii) provides~~)

33       (B) Provides in its declaration that the annual average  
34 assessment of all units restricted to residential purposes, exclusive  
35 of optional user fees, may not exceed \$1,000, as adjusted pursuant to  
36 RCW 64.90.065; or

37       (ii) RCW 64.90.020, 64.90.025, and 64.90.030, if the community:

38       (A) Consists of no more than six units that are all middle  
39 housing as defined under RCW 36.70A.030; and

1 (B) Provides in its declaration that the annual average  
2 assessment of all units restricted to middle housing residential  
3 purposes, exclusive of optional user fees, may not exceed \$1,000, as  
4 adjusted pursuant to RCW 64.90.065.

5 (b) The ~~((exemption))~~ exemptions provided in this subsection  
6 ~~((applies))~~ apply only if:

7 (i) The declarant reasonably believes in good faith that the  
8 maximum stated assessment will be sufficient to pay the expenses of  
9 the association for the community; and

10 (ii) The declaration provides that the assessment may not be  
11 increased above the limitation in ~~((a)(ii))~~ (a)(i)(B) or (a)(ii)(B)  
12 of this subsection prior to the transition meeting without the  
13 consent of unit owners, other than the declarant, holding 90 percent  
14 of the votes in the association.

15 (5) Before January 1, 2028, except as otherwise provided in RCW  
16 64.90.365, this chapter does not apply to any common interest  
17 community created within this state on or after July 1, 2018, if:

18 (a) That common interest community is made part of a common  
19 interest community created in this state prior to July 1, 2018,  
20 pursuant to a right expressly set forth in the declaration of the  
21 preexisting common interest community; and

22 (b) The declaration creating that common interest community  
23 expressly subjects that common interest community to the declaration  
24 of the preexisting common interest community pursuant to such right  
25 described in (a) of this subsection.

26 **Sec. 5.** RCW 64.90.545 and 2018 c 277 s 330 are each amended to  
27 read as follows:

28 (1) Unless exempt under subsection (2) of this section, an  
29 association must prepare and update a reserve study in accordance  
30 with this chapter. An initial reserve study must be prepared by a  
31 reserve study professional and based upon either a reserve study  
32 professional's visual site inspection of completed improvements or a  
33 review of plans and specifications of or for unbuilt improvements, or  
34 both when construction of some but not all of the improvements is  
35 complete. An updated reserve study must be prepared annually. An  
36 updated reserve study must be prepared at least every third year by a  
37 reserve study professional and based upon a visual site inspection  
38 conducted by the reserve study professional.

1           (2) Unless the governing documents require otherwise, subsection  
2 (1) of this section does not apply:  
3           (a) ~~((t))~~ To common interest communities containing units that  
4 are restricted in the declaration to nonresidential use~~((r))~~;  
5           (b) ~~((t))~~ To common interest communities that have only nominal  
6 reserve costs~~((r))~~;  
7           (c) To common interest communities consisting only of middle  
8 housing as defined under RCW 36.70A.030 that do not or will not in  
9 the future require the construction, operation, and maintenance on-  
10 site of any reserve component to manage wastewater and protect health  
11 and safety and ground and service waters; or ~~((e))~~  
12           (d) ~~((when))~~ When the cost of the reserve study or update exceeds  
13 ~~((ten))~~ 10 percent of the association's annual budget.  
14           (3) The governing documents may impose greater requirements on  
15 the board.

--- END ---