

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2304

69th Legislature
2026 Regular Session

Passed by the House February 10, 2026
Yeas 94 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 26,
2026
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2304** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2304

Passed Legislature - 2026 Regular Session

State of Washington

69th Legislature

2026 Regular Session

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

Prefiled 01/07/26. Read first time 01/12/26. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to increasing the supply of condominiums by
2 expanding the types of condominium buildings that may be subject to
3 an express warranty of quality and express warranty insurance
4 coverage; and amending RCW 64.90.675.

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

6 **Sec. 1.** RCW 64.90.675 and 2025 c 201 s 4 are each amended to
7 read as follows:

8 (1) Except as limited under subsections (2) and (4) of this
9 section with respect to a purchaser of a condominium unit that may be
10 used for residential use, implied warranties of quality under RCW
11 64.90.670:

12 (a) May be excluded or modified by written agreement of the
13 parties; and

14 (b) Are excluded by written expression of disclaimer, such as "as
15 is," "with all faults," or other language that in common
16 understanding calls the buyer's attention to the exclusion of
17 warranties.

18 (2) With respect to a purchaser of a condominium unit that may be
19 used for residential use, no disclaimer of implied warranties of
20 quality under RCW 64.90.670 is effective, except that a declarant and

1 any dealer may disclaim liability in an instrument for one or more
2 specified defects or failures to comply with applicable law, if:

3 (a) The declarant or dealer knows or has reason to believe that
4 the specific defects or failures exist at the time of disclosure;

5 (b) The disclaimer specifically describes the defects or
6 failures;

7 (c) The disclaimer includes a statement as to the effect of the
8 defects or failures;

9 (d) The disclaimer is boldfaced, capitalized, underlined, or
10 otherwise set out from surrounding material so as to be conspicuous;
11 and

12 (e) The disclaimer is signed by the purchaser.

13 (3) Except as provided in subsection (4) of this section, a
14 declarant or dealer may not make an express written warranty of
15 quality that limits the implied warranties of quality made to the
16 purchaser set forth in RCW 64.90.670.

17 (4)(a) With respect to a unit in a condominium created on or
18 after July 27, 2025, a declarant or dealer is not subject to the
19 implied warranties of quality set forth in RCW 64.90.670 if the
20 declarant or dealer provides for the condominium unit an express
21 warranty of quality and express warranty insurance coverage that
22 meets the requirements in ~~((b))~~ (c) of this subsection, and the
23 condominium unit is:

24 (i) An accessory dwelling unit organized as a condominium
25 pursuant to this chapter;

26 (ii) Located in a new building or a conversion building
27 containing 12 or fewer units and two or fewer stories;

28 (iii) Located in a new building or a conversion building
29 containing 12 or fewer units and three or fewer stories, if one story
30 is utilized for parking, either above or below ground, or as a
31 commercial space; or

32 (iv) Located in a new building or a conversion building
33 containing 12 or fewer units where no unit is physically located
34 above or below any other unit, except for balconies, roof decks,
35 overhangs, and minor building features.

36 (b) With respect to a unit in a condominium created on or after
37 the effective date of this section, a declarant or dealer is not
38 subject to the implied warranties of quality set forth in RCW
39 64.90.670 if the declarant or dealer provides for the condominium
40 unit an express warranty of quality and express warranty insurance

1 coverage that meets the requirements in (c) of this subsection, and
2 the condominium unit is located in a new building or a conversion
3 building containing 12 or fewer units and four or fewer stories.

4 (c) An express warranty of quality and insurance coverage
5 provided under (a) and (b) of this subsection must:

6 (i) Require acknowledgment by the unit purchaser that the express
7 warranty of quality applies;

8 (ii) Allow for recovery of defects under the express warranty of
9 quality by the unit owner and any subsequent purchaser, and by the
10 unit owners association for common areas;

11 (iii) Apply to all condominium units and common areas within the
12 building; and

13 (iv) Provide minimum coverage periods as follows:

14 (A) One year for defective workmanship and materials;

15 (B) Two years for defective plumbing, electrical, and ductwork
16 distribution systems; and

17 (C) 10 years for structural defects to load-bearing structural
18 members.

19 ~~((e))~~ (d) A proceeding for breach of an express warranty of
20 quality and insurance coverage provided under (a) and (b) of this
21 subsection must be commenced pursuant to RCW 64.90.680.

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