

---

HOUSE BILL 2010

---

State of Washington

53rd Legislature

1993 Regular Session

By Representatives J. Kohl, Wineberry, G. Cole and Holm

Read first time 02/19/93. Referred to Committee on Trade, Economic Development & Housing.

1 AN ACT Relating to powers of a condominium unit owners'  
2 association; and amending RCW 64.34.304 and 64.34.010.

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

4 **Sec. 1.** RCW 64.34.304 and 1990 c 166 s 3 are each amended to read  
5 as follows:

6 (1) Except as provided in subsection (2) of this section, and  
7 subject to the provisions of the declaration, the association may:

8 (a) Adopt and amend bylaws, rules, and regulations;

9 (b) Adopt and amend budgets for revenues, expenditures, and  
10 reserves, and impose and collect assessments for common expenses from  
11 unit owners;

12 (c) Hire and discharge or contract with managing agents and other  
13 employees, agents, and independent contractors;

14 (d) Institute, defend, or intervene in litigation or administrative  
15 proceedings in its own name on behalf of itself or two or more unit  
16 owners on matters affecting the condominium;

17 (e) Make contracts and incur liabilities;

18 (f) Regulate the use, maintenance, repair, replacement, and  
19 modification of common elements;

1 (g) Cause additional improvements to be made as a part of the  
2 common elements;

3 (h) Acquire, hold, encumber, and convey in its own name any right,  
4 title, or interest to real or personal property, but common elements  
5 may be conveyed or subjected to a security interest only pursuant to  
6 RCW 64.34.348;

7 (i) Grant easements, leases, licenses, and concessions through or  
8 over the common elements and petition for or consent to the vacation of  
9 streets and alleys;

10 (j) Impose and collect any payments, fees, or charges for the use,  
11 rental, or operation of the common elements, other than limited common  
12 elements described in RCW 64.34.204 (2) and (4), and for services  
13 provided to unit owners;

14 (k) Impose and collect charges for late payment of assessments  
15 pursuant to RCW 64.34.364(~~((+10+))~~)(13) and, after notice and an  
16 opportunity to be heard by the board of directors or by such  
17 representative designated by the board of directors and in accordance  
18 with such procedures as provided in the declaration or bylaws or rules  
19 and regulations adopted by the board of directors, levy reasonable  
20 fines in accordance with a previously established schedule thereof  
21 adopted by the board of directors and furnished to the owners for  
22 violations of the declaration, bylaws, and rules and regulations of the  
23 association;

24 (l) Impose and collect reasonable charges for the preparation and  
25 recording of amendments to the declaration, resale certificates  
26 required by RCW 64.34.425, and statements of unpaid assessments;

27 (m) Provide for the indemnification of its officers and board of  
28 directors and maintain directors' and officers' liability insurance;

29 (n) Assign its right to future income, including the right to  
30 receive common expense assessments, but only to the extent the  
31 declaration provides;

32 (o) Join in a petition for the establishment of a parking and  
33 business improvement area, participate in the rate payers' board or  
34 other advisory body set up by the legislative authority for operation  
35 of a parking and business improvement area, and pay special assessments  
36 levied by the legislative authority on a parking and business  
37 improvement area encompassing the condominium property for activities  
38 and projects which benefit the condominium directly or indirectly;

1        (p) Exercise any other powers conferred by the declaration or  
2 bylaws;

3        ~~((p))~~ (q) Exercise all other powers that may be exercised in this  
4 state by the same type of corporation as the association; and

5        ~~((q))~~ (r) Exercise any other powers necessary and proper for the  
6 governance and operation of the association.

7        (2) The declaration may not impose limitations on the power of the  
8 association to deal with the declarant which are more restrictive than  
9 the limitations imposed on the power of the association to deal with  
10 other persons.

11        **Sec. 2.** RCW 64.34.010 and 1992 c 220 s 1 are each amended to read  
12 as follows:

13        (1) This chapter applies to all condominiums created within this  
14 state after July 1, 1990. RCW 64.34.040 (separate titles and  
15 taxation), RCW 64.34.050 (applicability of local ordinances,  
16 regulations, and building codes), RCW 64.34.060 (condemnation), RCW  
17 64.34.208 (construction and validity of declaration and bylaws), RCW  
18 64.34.212 (description of units), RCW 64.34.304(1)(a) through (f) and  
19 (k) through ~~((q))~~ (r) (powers of unit owners' association), RCW  
20 64.34.308(1) (board of directors and officers), RCW 64.34.340 (voting  
21 proxies), RCW 64.34.344 (tort and contract liability), RCW 64.34.354  
22 (notification on sale of unit), RCW 64.34.360(3) (common expenses  
23 assessments), RCW 64.34.364 (lien for assessments), RCW 64.34.372  
24 (association records), RCW 64.34.425 (resales of units), RCW 64.34.455  
25 (effect of violation on rights of action; attorney's fees), and RCW  
26 64.34.020 (definitions) to the extent necessary in construing any of  
27 those sections, apply to all condominiums created in this state before  
28 July 1, 1990; but those sections apply only with respect to events and  
29 circumstances occurring after July 1, 1990, and do not invalidate or  
30 supersede existing, inconsistent provisions of the declaration, bylaws,  
31 or survey maps or plans of those condominiums.

32        (2) The provisions of chapter 64.32 RCW do not apply to  
33 condominiums created after July 1, 1990, and do not invalidate any  
34 amendment to the declaration, bylaws, and survey maps and plans of any  
35 condominium created before July 1, 1990, if the amendment would be  
36 permitted by this chapter. The amendment must be adopted in conformity  
37 with the procedures and requirements specified by those instruments and  
38 by chapter 64.32 RCW. If the amendment grants to any person any

1 rights, powers, or privileges permitted by this chapter which are not  
2 otherwise provided for in the declaration or chapter 64.32 RCW, all  
3 correlative obligations, liabilities, and restrictions in this chapter  
4 also apply to that person.

5 (3) This chapter does not apply to condominiums or units located  
6 outside this state.

7 (4) RCW 64.34.400 (applicability~~waiver~~), RCW 64.34.405 (liability  
8 for public offering statement requirements), RCW 64.34.410 (public  
9 offering statement~~general provisions~~), RCW 64.34.415 (public offering  
10 statement~~conversion condominiums~~), RCW 64.34.420 (purchaser's right to  
11 cancel), RCW 64.34.430 (escrow of deposits), RCW 64.34.440 (conversion  
12 condominiums~~notice~~~~tenants~~), and RCW 64.34.455 (effect of violations  
13 on rights of action~~attorney's fees~~) apply with respect to all sales of  
14 units pursuant to purchase agreements entered into after July 1, 1990,  
15 in condominiums created before July 1, 1990, in which as of July 1,  
16 1990, the declarant or an affiliate of the declarant owns or had the  
17 right to create at least ten units constituting at least twenty percent  
18 of the units in the condominium.

--- END ---