
HOUSE BILL 2370

State of Washington 58th Legislature 2004 Regular Session

By Representative Veloria

Read first time 01/13/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to condominiums created on or before July 1, 1990;
2 amending RCW 64.32.200; and adding a new section to chapter 64.32 RCW.

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

4 **Sec. 1.** RCW 64.32.200 and 1988 c 192 s 2 are each amended to read
5 as follows:

6 (1) The declaration (~~may~~) shall (a) provide for the collection of
7 all sums assessed by the association of apartment owners for the share
8 of the common expenses chargeable to any apartment, and (b) state the
9 formulas or methods used in establishing the allocation of these
10 expenses among the apartment owners. The formulas or methods required
11 under this subsection must result in an allocation of the common
12 expenses among the apartment owners that is reasonable and equitable.

13 (2) The collection of the assessments for common expenses allowed
14 under subsection (1) of this section may be enforced in any manner
15 provided in the declaration including but not limited to (a) ten days
16 notice shall be given the delinquent apartment owner to the effect that
17 unless such assessment is paid within ten days any or all utility
18 services will be forthwith severed and shall remain severed until such

1 assessment is paid, or (b) collection of such assessment may be made by
2 such lawful method of enforcement, judicial or extra-judicial, as may
3 be provided in the declaration and/or bylaws.

4 ~~((+2))~~ (3) All sums assessed by the association of apartment
5 owners but unpaid for the share of the common expenses chargeable to
6 any apartment shall constitute a lien on such apartment prior to all
7 other liens except only (a) tax liens on the apartment in favor of any
8 assessing unit and/or special district, and (b) all sums unpaid on all
9 mortgages of record. Such lien is not subject to the ban against
10 execution or forced sales of homesteads under RCW 6.13.080 and may be
11 foreclosed by suit by the manager or board of directors, acting on
12 behalf of the apartment owners, in like manner as a mortgage of real
13 property. In any such foreclosure the apartment owner shall be
14 required to pay a reasonable rental for the apartment, if so provided
15 in the bylaws, and the plaintiff in such foreclosures shall be entitled
16 to the appointment of a receiver to collect the same. The manager or
17 board of directors, acting on behalf of the apartment owners, shall
18 have power, unless prohibited by the declaration, to bid on the
19 apartment at foreclosure sale, and to acquire and hold, lease, mortgage
20 and convey the same. Upon an express waiver in the complaint of any
21 right to a deficiency judgment, the period of redemption shall be eight
22 months after the sale. Suit to recover any judgment for any unpaid
23 common expenses shall be maintainable without foreclosing or waiving
24 the liens securing the same.

25 ~~((+3))~~ (4) Where the mortgagee of a mortgage of record or other
26 purchaser of an apartment obtains possession of the apartment as a
27 result of foreclosure of the mortgage, such possessor, his successors
28 and assigns shall not be liable for the share of the common expenses or
29 assessments by the association of apartment owners chargeable to such
30 apartment which became due prior to such possession. Such unpaid share
31 of common expenses of assessments shall be deemed to be common expenses
32 collectible from all of the apartment owners including such possessor,
33 his successors and assigns.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.32 RCW
35 to read as follows:

36 The principles of law and equity, including the law of corporations
37 and unincorporated associations, the law of real property, and the law

1 relative to capacity to contract, principal and agent, condemnation,
2 estoppel, fraud, misrepresentation, duress, coercion, mistake,
3 receivership, substantial performance, or other validating or
4 invalidating cause supplement the provisions of this chapter, except to
5 the extent inconsistent with this chapter.

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