

SHB 2014 - S AMD 201

By Senator Weinstein

ADOPTED AS AMENDED 03/06/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 64.34.440 and 1992 c 220 s 25 are each amended to  
4 read as follows:

5 (1)(a) A declarant of a conversion condominium, and any dealer who  
6 intends to offer units in such a condominium, shall give each of the  
7 residential tenants and any residential subtenant in possession of a  
8 portion of a conversion condominium notice of the conversion and  
9 provide those persons with the public offering statement no later than  
10 ((~~ninety~~)) one hundred twenty days before the tenants and any subtenant  
11 in possession are required to vacate. The notice must:

12 (i) Set forth generally the rights of tenants and subtenants under  
13 this section ((~~and shall~~));

14 (ii) Be delivered pursuant to notice requirements set forth in RCW  
15 59.12.040; and

16 (iii) Expressly state whether there is a county or city relocation  
17 assistance program for tenants or subtenants of conversion condominiums  
18 in the jurisdiction in which the property is located. If the county or  
19 city does have a relocation assistance program, the following must also  
20 be included in the notice:

21 (A) A summary of the terms and conditions under which relocation  
22 assistance is paid; and

23 (B) Contact information for the city or county relocation  
24 assistance program, which must include, at a minimum, a telephone  
25 number of the city or county department that administers the relocation  
26 assistance program for conversion condominiums.

27 (b) No tenant or subtenant may be required to vacate upon less than  
28 ((~~ninety~~)) one hundred twenty days' notice, except by reason of  
29 nonpayment of rent, waste, conduct that disturbs other tenants'  
30 peaceful enjoyment of the premises, or act of unlawful detainer as

1 defined in RCW 59.12.030, and the terms of the tenancy may not be  
2 altered during that period except as provided in (c) of this  
3 subsection.

4 (c) At the declarant's option, the declarant may provide all  
5 tenants in a single building with an option to terminate their lease or  
6 rental agreements without cause or consequence after providing the  
7 declarant with thirty days' notice. In such case, tenants continue to  
8 have access to relocation assistance under subsection (6)(e) of this  
9 section.

10 (d) Nothing in this subsection shall be deemed to waive or repeal  
11 RCW 59.18.200(2). Failure to give notice as required by this section  
12 is a defense to an action for possession.

13 (e) The city or county in which the property is located may require  
14 the declarant to forward a copy of the conversion notice required in  
15 (a) of this subsection to the appropriately designated department or  
16 agency in the city or county for the purpose of maintaining a list of  
17 conversion condominium projects proposed in the jurisdiction.

18 (2) For sixty days after delivery or mailing of the notice  
19 described in subsection (1) of this section, the person required to  
20 give the notice shall offer to convey each unit or proposed unit  
21 occupied for residential use to the tenant who leases that unit. If a  
22 tenant fails to purchase the unit during that sixty-day period, the  
23 offeror may offer to dispose of an interest in that unit during the  
24 following one hundred eighty days at a price or on terms more favorable  
25 to the offeree than the price or terms offered to the tenant only if:  
26 (a) Such offeror, by written notice mailed to the tenant's last known  
27 address, offers to sell an interest in that unit at the more favorable  
28 price and terms, and (b) such tenant fails to accept such offer in  
29 writing within ten days following the mailing of the offer to the  
30 tenant. This subsection does not apply to any unit in a conversion  
31 condominium if that unit will be restricted exclusively to  
32 nonresidential use or the boundaries of the converted unit do not  
33 substantially conform to the dimensions of the residential unit before  
34 conversion.

35 (3) If a seller, in violation of subsection (2) of this section,  
36 conveys a unit to a purchaser for value who has no knowledge of the  
37 violation, recording of the deed conveying the unit extinguishes any

1 right a tenant may have to purchase that unit but does not affect the  
2 right of a tenant to recover damages from the seller for a violation of  
3 subsection (2) of this section.

4 (4) If a notice of conversion specifies a date by which a unit or  
5 proposed unit must be vacated and otherwise complies with the  
6 provisions of this chapter and chapter 59.18 RCW, the notice also  
7 constitutes a notice to vacate specified by that statute.

8 (5) Nothing in this section permits termination of a lease by a  
9 declarant in violation of its terms.

10 (6) Notwithstanding RCW 64.34.050(1), a city or county may by  
11 appropriate ordinance require with respect to any conversion  
12 condominium within the jurisdiction of such city or county that:

13 (a) In addition to the statement required by RCW 64.34.415(1)(a),  
14 the public offering statement shall contain a copy of the written  
15 inspection report prepared by the appropriate department of such city  
16 or county, which report shall list any violations of the housing code  
17 or other governmental regulation, which code or regulation is  
18 applicable regardless of whether the real property is owned as a  
19 condominium or in some other form of ownership; said inspection shall  
20 be made within forty-five days of the declarant's written request  
21 therefor and said report shall be issued within fourteen days of said  
22 inspection being made. Such inspection may not be required with  
23 respect to any building for which a final certificate of occupancy has  
24 been issued by the city or county within the preceding twenty-four  
25 months; and any fee imposed for the making of such inspection may not  
26 exceed the fee that would be imposed for the making of such an  
27 inspection for a purpose other than complying with this subsection  
28 (6)(a);

29 (b) Prior to the conveyance of any residential unit within a  
30 conversion condominium, other than a conveyance to a declarant or  
31 affiliate of a declarant: (i) All violations disclosed in the  
32 inspection report provided for in (a) of this subsection, and not  
33 otherwise waived by such city or county, shall be repaired, and (ii) a  
34 certification shall be obtained from such city or county that such  
35 repairs have been made, which certification shall be based on a  
36 reinspection to be made within seven days of the declarant's written  
37 request therefor and which certification shall be issued within seven  
38 days of said reinspection being made;

1 (c) The repairs required to be made under (b) of this subsection  
2 shall be warranted by the declarant against defects due to workmanship  
3 or materials for a period of one year following the completion of such  
4 repairs;

5 (d) Prior to the conveyance of any residential unit within a  
6 conversion condominium, other than a conveyance to a declarant or  
7 affiliate of a declarant: (i) The declarant shall establish and  
8 maintain, during the one-year warranty period provided under (c) of  
9 this subsection, an account containing a sum equal to ten percent of  
10 the actual cost of making the repairs required under (b) of this  
11 subsection; (ii) during the one-year warranty period, the funds in such  
12 account shall be used exclusively for paying the actual cost of making  
13 repairs required, or for otherwise satisfying claims made, under such  
14 warranty; (iii) following the expiration of the one-year warranty  
15 period, any funds remaining in such account shall be immediately  
16 disbursed to the declarant; and (iv) the declarant shall notify in  
17 writing the association and such city or county as to the location of  
18 such account and any disbursements therefrom; (~~and~~)

19 (e) A declarant shall pay relocation assistance (~~((not to exceed~~  
20 ~~five hundred dollars per unit shall be paid))~~), in an amount to be  
21 determined by the city or county, which may not exceed a sum equal to  
22 three months of the tenant's or subtenant's rent at the time the  
23 conversion notice required under subsection (1) of this section is  
24 received, to tenants and subtenants:

25 (i) Who do not elect (~~((not))~~) to purchase a unit (~~and~~);

26 (ii) Who are in lawful occupancy for residential purposes of a  
27 unit; and

28 (iii) Whose (~~((monthly))~~) annual household income from all sources,  
29 on the date of the notice described in subsection (1) of this section,  
30 was less than an amount equal to eighty percent of (~~((+i))~~);

31 (A) The (~~((monthly))~~) annual median income for comparably sized  
32 households in the standard metropolitan statistical area, as defined  
33 and established by the United States department of housing and urban  
34 development, in which the condominium is located(~~((\_))~~); or (~~((+i))~~)

35 (B) If the condominium is not within a standard metropolitan  
36 statistical area, the (~~((monthly))~~) annual median income for comparably  
37 sized households in the state of Washington, as defined and determined  
38 by said department.

1           The household size of a unit shall be based on the number of  
2 persons actually in lawful occupancy of the unit. The tenant or  
3 subtenant actually in lawful occupancy of the unit shall be entitled to  
4 the relocation assistance. Relocation assistance shall be paid on or  
5 before the date the tenant or subtenant vacates and shall be in  
6 addition to any damage deposit or other compensation or refund to which  
7 the tenant is otherwise entitled. Unpaid rent or other amounts owed by  
8 the tenant or subtenant to the landlord may be offset against the  
9 relocation assistance;

10           (f) Except as authorized under (g) of this subsection, a declarant  
11 and any dealer shall not begin any construction, remodeling, or repairs  
12 to any interior portion of an occupied building that is to be converted  
13 to a condominium during the one hundred twenty-day notice period  
14 provided for in subsection (1) of this section unless all residential  
15 tenants and residential subtenants who have elected not to purchase a  
16 unit and who are in lawful occupancy in the building have vacated the  
17 premises. For the purposes of this subsection:

18           (i) "Construction, remodeling, or repairs" means the work that is  
19 done for the purpose of converting the condominium, not work that is  
20 done to maintain the building or lot for the residential use of the  
21 existing tenants or subtenants;

22           (ii) "Occupied building" means a stand-alone structure occupied by  
23 tenants and does not include other stand-alone buildings located on the  
24 property or detached common area facilities; and

25           (g)(i) If a declarant or dealer has offered existing tenants an  
26 option to terminate an existing lease or rental agreement without cause  
27 or consequence as authorized under subsection (1)(c) of this section,  
28 a declarant and any dealer may begin construction, remodeling, or  
29 repairs to interior portions of an occupied building (A) to repair or  
30 remodel vacant units to be used as model units, if the repair or  
31 remodel is limited to one model for each unit type in the building, (B)  
32 to repair or remodel a vacant unit or common area for use as a sales  
33 office, or (C) to do both.

34           (ii) The work performed under this subsection (6)(g) must not  
35 violate the tenant's or subtenant's rights of quiet enjoyment during  
36 the one hundred twenty-day notice period.

37           (7) Violations of any city or county ordinance adopted as  
38 authorized by subsection (6) of this section shall give rise to such

1 remedies, penalties, and causes of action which may be lawfully imposed  
2 by such city or county. Such violations shall not invalidate the  
3 creation of the condominium or the conveyance of any interest therein.

4 **Sec. 2.** RCW 82.02.020 and 2006 c 149 s 3 are each amended to read  
5 as follows:

6 Except only as expressly provided in chapters 67.28 and 82.14 RCW,  
7 the state preempts the field of imposing taxes upon retail sales of  
8 tangible personal property, the use of tangible personal property,  
9 parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances,  
10 and cigarettes, and no county, town, or other municipal subdivision  
11 shall have the right to impose taxes of that nature. Except as  
12 provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county,  
13 city, town, or other municipal corporation shall impose any tax, fee,  
14 or charge, either direct or indirect, on the construction or  
15 reconstruction of residential buildings, commercial buildings,  
16 industrial buildings, or on any other building or building space or  
17 appurtenance thereto, or on the development, subdivision,  
18 classification, or reclassification of land. However, this section  
19 does not preclude dedications of land or easements within the proposed  
20 development or plat which the county, city, town, or other municipal  
21 corporation can demonstrate are reasonably necessary as a direct result  
22 of the proposed development or plat to which the dedication of land or  
23 easement is to apply.

24 This section does not prohibit voluntary agreements with counties,  
25 cities, towns, or other municipal corporations that allow a payment in  
26 lieu of a dedication of land or to mitigate a direct impact that has  
27 been identified as a consequence of a proposed development,  
28 subdivision, or plat. A local government shall not use such voluntary  
29 agreements for local off-site transportation improvements within the  
30 geographic boundaries of the area or areas covered by an adopted  
31 transportation program authorized by chapter 39.92 RCW. Any such  
32 voluntary agreement is subject to the following provisions:

33 (1) The payment shall be held in a reserve account and may only be  
34 expended to fund a capital improvement agreed upon by the parties to  
35 mitigate the identified, direct impact;

36 (2) The payment shall be expended in all cases within five years of  
37 collection; and

1 (3) Any payment not so expended shall be refunded with interest to  
2 be calculated from the original date the deposit was received by the  
3 county and at the same rate applied to tax refunds pursuant to RCW  
4 84.69.100; however, if the payment is not expended within five years  
5 due to delay attributable to the developer, the payment shall be  
6 refunded without interest.

7 No county, city, town, or other municipal corporation shall require  
8 any payment as part of such a voluntary agreement which the county,  
9 city, town, or other municipal corporation cannot establish is  
10 reasonably necessary as a direct result of the proposed development or  
11 plat.

12 Nothing in this section prohibits cities, towns, counties, or other  
13 municipal corporations from collecting reasonable fees from an  
14 applicant for a permit or other governmental approval to cover the cost  
15 to the city, town, county, or other municipal corporation of processing  
16 applications, inspecting and reviewing plans, or preparing detailed  
17 statements required by chapter 43.21C RCW.

18 This section does not limit the existing authority of any county,  
19 city, town, or other municipal corporation to impose special  
20 assessments on property specifically benefitted thereby in the manner  
21 prescribed by law.

22 Nothing in this section prohibits counties, cities, or towns from  
23 imposing or permits counties, cities, or towns to impose water, sewer,  
24 natural gas, drainage utility, and drainage system charges: PROVIDED,  
25 That no such charge shall exceed the proportionate share of such  
26 utility or system's capital costs which the county, city, or town can  
27 demonstrate are attributable to the property being charged: PROVIDED  
28 FURTHER, That these provisions shall not be interpreted to expand or  
29 contract any existing authority of counties, cities, or towns to impose  
30 such charges.

31 Nothing in this section prohibits a transportation benefit district  
32 from imposing fees or charges authorized in RCW 36.73.120 nor prohibits  
33 the legislative authority of a county, city, or town from approving the  
34 imposition of such fees within a transportation benefit district.

35 Nothing in this section prohibits counties, cities, or towns from  
36 imposing transportation impact fees authorized pursuant to chapter  
37 39.92 RCW.

1 Nothing in this section prohibits counties, cities, or towns from  
2 requiring property owners to provide relocation assistance to tenants  
3 under RCW 59.18.440 and 59.18.450.

4 Nothing in this section limits the authority of counties, cities,  
5 or towns to implement programs consistent with RCW 36.70A.540, nor to  
6 enforce agreements made pursuant to such programs.

7 This section does not apply to special purpose districts formed and  
8 acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority  
9 conferred by these titles affected.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.34 RCW  
11 to read as follows:

12 (1) All cities and counties planning under RCW 36.70A.040, which  
13 have allowed any conversion condominiums within the jurisdiction within  
14 the previous twelve-month period, must report annually to the  
15 department of community, trade, and economic development the following  
16 information:

17 (a) The total number of apartment units converted into  
18 condominiums;

19 (b) The total number of conversion condominium projects; and

20 (c) The total number of apartment tenants who receive relocation  
21 assistance.

22 (2) Upon completion of a conversion condominium project, a city or  
23 county may require the declarant to provide the information described  
24 in subsection (1) of this section to the appropriately designated  
25 department or agency in the city or county for the purpose of complying  
26 with subsection (1) of this section.

27 **Sec. 4.** RCW 59.18.200 and 2003 c 7 s 1 are each amended to read as  
28 follows:

29 (1)(a) When premises are rented for an indefinite time, with  
30 monthly or other periodic rent reserved, such tenancy shall be  
31 construed to be a tenancy from month to month, or from period to period  
32 on which rent is payable, and shall be terminated by written notice of  
33 twenty days or more, preceding the end of any of the months or periods  
34 of tenancy, given by either party to the other.

35 (b) Any tenant who is a member of the armed forces, including the  
36 national guard and armed forces reserves, or that tenant's spouse or



1 dependant, may terminate a rental agreement with less than twenty days'  
2 notice if the tenant receives reassignment or deployment orders that do  
3 not allow a twenty-day notice.

4 (2)(a) Whenever a landlord (~~(plans to change any apartment or~~  
5 ~~apartments to a condominium form of ownership or~~)) plans to change to  
6 a policy of excluding children, the landlord shall give a written  
7 notice to a tenant at least ninety days before termination of the  
8 tenancy to effectuate such change in policy. Such ninety-day notice  
9 shall be in lieu of the notice required by subsection (1) of this  
10 section. However, if after giving the ninety-day notice the change in  
11 policy is delayed, the notice requirements of subsection (1) of this  
12 section shall apply unless waived by the tenant.

13 (b) Whenever a landlord plans to change any apartment or apartments  
14 to a condominium form of ownership, the landlord shall provide a  
15 written notice to a tenant at least one hundred twenty days before  
16 termination of the tenancy, in compliance with RCW 64.34.440(1), to  
17 effectuate such change. The one hundred twenty-day notice is in lieu  
18 of the notice required in subsection (1) of this section. However, if  
19 after providing the one hundred twenty-day notice the change to a  
20 condominium form of ownership is delayed, the notice requirements in  
21 subsection (1) of this section apply unless waived by the tenant.

22 NEW SECTION. Sec. 5. This act does not apply to any conversion  
23 condominiums for which a notice required under RCW 64.34.440(1) has  
24 been delivered before the effective date of this act.

25 NEW SECTION. Sec. 6. This act takes effect August 1, 2008."

SHB 2014 - S AMD  
By Senator Weinstein

**ADOPTED AS AMENDED 03/06/2008**

26 On page 1, line 1 of the title, after "condominiums;" strike the  
27 remainder of the title and insert "amending RCW 64.34.440, 82.02.020,

1 and 59.18.200; adding a new section to chapter 64.34 RCW; creating a  
2 new section; and providing an effective date."

EFFECT: (1) Changes the effective date from 2007 to 2008.

(2) The Residential Landlord-Tenant Act is amended to provide the proper notice of a condo conversion.

(3) A tenant's annual (vs. monthly) income is to be considered when determining eligibility for relocation assistance.

(4) If a declarant or developer has provided tenants with an option to terminate their lease, the declarant may begin limited construction of a sales office and/or a model unit.

(5) If required by the city or county, a declarant is to provide conversion notice to the city or county when tenants are provided with such notice, and upon completion of a conversion a developer is to report limited information to the city or county for the purpose of the city or county complying with its annual report for CTED.

(6) The reporting requirements are minimized, so a city/county planning under the GMA is only required to report the following information annually to CTED: (a) The number of apartments converted into condominiums; (b) the number of condominium projects; and (c) the total number of apartment tenants who receive relocation assistance.

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