
SENATE BILL 6001

State of Washington

65th Legislature

2018 Regular Session

By Senators Keiser and Kuderer

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1 AN ACT Relating to amendments to bylaws of a condominium
2 association; and amending RCW 64.34.324 and 64.34.010.

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

4 **Sec. 1.** RCW 64.34.324 and 2004 c 201 s 3 are each amended to
5 read as follows:

6 (1) Unless provided for in the declaration, the bylaws of the
7 association shall provide for:

8 (a) The number, qualifications, powers and duties, terms of
9 office, and manner of electing and removing the board of directors
10 and officers and filling vacancies;

11 (b) Election by the board of directors of such officers of the
12 association as the bylaws specify;

13 (c) Which, if any, of its powers the board of directors or
14 officers may delegate to other persons or to a managing agent;

15 (d) Which of its officers may prepare, execute, certify, and
16 record amendments to the declaration on behalf of the association;

17 (e) Subject to subsection (4) of this section, the method of
18 amending the bylaws; and

19 (f) A statement of the standard of care for officers and members
20 of the board of directors imposed by RCW 64.34.308(1).

1 (2) Subject to the provisions of the declaration, the bylaws may
2 provide for any other matters the association deems necessary and
3 appropriate.

4 (3) In determining the qualifications of any officer or director
5 of the association, notwithstanding the provision of RCW
6 64.34.020(~~(+32+)~~) (42) the term "unit owner" in such context shall,
7 unless the declaration or bylaws otherwise provide, be deemed to
8 include any director, officer, partner in, or trustee of any person,
9 who is, either alone or in conjunction with another person or
10 persons, a unit owner. Any officer or director of the association who
11 would not be eligible to serve as such if he or she were not a
12 director, officer, partner in, or trustee of such a person shall be
13 disqualified from continuing in office if he or she ceases to have
14 any such affiliation with that person, or if that person would have
15 been disqualified from continuing in such office as a natural person.

16 (4) If the affirmative vote of a minimum percentage of votes
17 allocated to units or unit owners is required to amend the bylaws to
18 address any of the matters listed in subsection (1)(a) through (d) of
19 this section, the number of votes needed for passage may be
20 determined by subtracting the votes allocated to units or unit owners
21 with unreturned ballots from the total votes in the association and
22 applying the minimum percentage to the resulting number if:

23 (a) The proposed amendment to the bylaws is voted upon at a
24 properly convened meeting of the association or in accordance with
25 any other voting process permitted by the governing documents and
26 notice of the meeting or other voting process is accompanied by the
27 text of each proposed amendment to be voted upon; and

28 (b) Any unit owner who fails to vote on the proposed amendment is
29 subsequently provided with at least three notices, sent by United
30 States mail at least ten days apart, with an opportunity to vote by
31 mail or, if authorized by the declaration or bylaws, electronic
32 transmission. Such notices must include the text of each proposed
33 amendment to be voted upon, a ballot for the purpose of casting the
34 unit owner's vote, the time and date by which the ballot must be
35 delivered to the association, and a statement that a unit owner's
36 failure to return a ballot will result in the unit owner's vote being
37 disregarded in determining the percentage of votes required to
38 approve the amendment.

1 **Sec. 2.** RCW 64.34.010 and 2011 c 189 s 6 are each amended to
2 read as follows:

3 (1) This chapter applies to all condominiums created within this
4 state after July 1, 1990. RCW 64.34.040 (separate titles and
5 taxation), RCW 64.34.050 (applicability of local ordinances,
6 regulations, and building codes), RCW 64.34.060 (condemnation), RCW
7 64.34.208 (construction and validity of declaration and bylaws), RCW
8 64.34.268 (1) through (7) and (10) (termination of condominium), RCW
9 64.34.212 (description of units), RCW 64.34.304(1) (a) through (f)
10 and (k) through (t) (powers of unit owners' association), RCW
11 64.34.308(1) (board of directors and officers), RCW 64.34.324(4)
12 (amendments to bylaws), RCW 64.34.340 (voting—proxies), RCW 64.34.344
13 (tort and contract liability), RCW 64.34.354 (notification on sale of
14 unit), RCW 64.34.360(3) (common expenses—assessments), RCW 64.34.364
15 (lien for assessments), RCW 64.34.372 (association records), RCW
16 64.34.425 (resales of units), RCW 64.34.455 (effect of violation on
17 rights of action; attorney's fees), RCW 64.34.380 through 64.34.392
18 (reserve studies and accounts), and RCW 64.34.020 (definitions) to
19 the extent necessary in construing any of those sections, apply to
20 all condominiums created in this state before July 1, 1990; but those
21 sections apply only with respect to events and circumstances
22 occurring after July 1, 1990, and do not invalidate or supersede
23 existing, inconsistent provisions of the declaration, bylaws, or
24 survey maps or plans of those condominiums.

25 (2) The provisions of chapter 64.32 RCW do not apply to
26 condominiums created after July 1, 1990, and do not invalidate any
27 amendment to the declaration, bylaws, and survey maps and plans of
28 any condominium created before July 1, 1990, if the amendment would
29 be permitted by this chapter. The amendment must be adopted in
30 conformity with the procedures and requirements specified by those
31 instruments and by chapter 64.32 RCW. If the amendment grants to any
32 person any rights, powers, or privileges permitted by this chapter
33 which are not otherwise provided for in the declaration or chapter
34 64.32 RCW, all correlative obligations, liabilities, and restrictions
35 in this chapter also apply to that person.

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

38 (4) RCW 64.34.400 (applicability—waiver), RCW 64.34.405
39 (liability for public offering statement requirements), RCW 64.34.410

1 (public offering statement—general provisions), RCW 64.34.415 (public
2 offering statement—conversion condominiums), RCW 64.34.420
3 (purchaser's right to cancel), RCW 64.34.430 (escrow of deposits),
4 RCW 64.34.440 (conversion condominiums—notice—tenants-relocation
5 assistance), and RCW 64.34.455 (effect of violations on rights of
6 action—attorney's fees) apply with respect to all sales of units
7 pursuant to purchase agreements entered into after July 1, 1990, in
8 condominiums created before July 1, 1990, in which as of July 1,
9 1990, the declarant or an affiliate of the declarant owns or had the
10 right to create at least ten units constituting at least twenty
11 percent of the units in the condominium.

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