

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5973

Chapter 128, Laws of 2024

68th Legislature
2024 Regular Session

COMMON INTEREST COMMUNITIES—HEAT PUMPS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate February 8, 2024
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 27, 2024
Yeas 95 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 15, 2024 9:59 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5973** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 15, 2024

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5973

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Law & Justice (originally sponsored by Senators Lias, Nguyen, Kuderer, Mullet, Nobles, Shewmake, and Valdez)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to heat pumps in common interest communities;
2 adding a new section to chapter 64.32 RCW; adding a new section to
3 chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding
4 a new section to chapter 64.90 RCW; creating a new section;
5 prescribing penalties; and providing a contingent expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.32
8 RCW to read as follows:

9 (1)(a) An association of apartment owners may not adopt or
10 enforce a restriction, covenant, condition, bylaw, rule, regulation,
11 provision of a governing document, or master deed provision that:

12 (i) Effectively prohibits or unreasonably restricts the
13 installation or use of a heat pump in compliance with the
14 requirements of this section and for the personal use of an apartment
15 owner within the boundaries of an apartment; or

16 (ii) Is in conflict with the provisions of this section.

17 (b) Nothing in this section prohibits an association from
18 imposing reasonable restrictions on heat pumps.

19 (c) This section must not be construed to permit installation by
20 an apartment owner of heat pump equipment on or in common areas

1 without approval of the association, or the manager or board of
2 directors acting on the association's behalf.

3 (2) An association of apartment owners may require an apartment
4 owner to submit an application for approval for the installation of a
5 heat pump before installing the heat pump.

6 (3)(a) If approval is required for the installation of a heat
7 pump, the application for approval must be processed and approved in
8 the same manner as an application for approval of an architectural
9 modification.

10 (b) The approval or denial of an application must be in writing
11 and must not be willfully avoided or delayed.

12 (c) If an application is not denied in writing within 60 days
13 from the date of receipt of the application, the application is
14 deemed approved, unless that delay is the result of a reasonable
15 request for additional information.

16 (d) An association of apartment owners may not assess or charge
17 an apartment owner a fee for the installation of a heat pump. An
18 association may charge a reasonable fee for processing the
19 application to approve the installation of a heat pump, but only if
20 such a fee exists for all applications for approval of architectural
21 modifications.

22 (4) If approval is required for the installation of a heat pump,
23 an association of apartment owners must approve the installation if
24 the installation is reasonably possible and the apartment owner
25 agrees in writing to:

26 (a) Comply with the association's reasonable architectural
27 standards applicable to the installation of the heat pump;

28 (b) Engage a heating, ventilation, and air conditioning (HVAC)
29 contractor familiar with the standards for the installation of heat
30 pumps to assess the existing infrastructure necessary to support the
31 proposed heat pump, identify additional infrastructure needs, and
32 install the heat pump; and

33 (c) Comply with the requirements of this section.

34 (5)(a) An apartment owner must obtain any permit or approval for
35 a heat pump as required by the local government in which the common
36 interest community is located and comply with all relevant building
37 codes and safety standards.

38 (b) A heat pump must meet all applicable health and safety
39 standards and requirements imposed by national, state, or local

1 authorities, and all other applicable zoning, land use or other
2 ordinances, building codes, or land use permits.

3 (6) (a) Unless otherwise agreed to by written contract with the
4 association, an apartment owner is responsible for the costs of
5 installing a heat pump.

6 (b) Heat pump equipment that is installed at the apartment
7 owner's cost and is removable without damage to the property owned by
8 others may be removed at the apartment owner's cost.

9 (7) The apartment owner and each successive owner of the heat
10 pump is responsible for:

11 (a) Costs for the maintenance, repair, and replacement of the
12 heat pump up until the heat pump is removed;

13 (b) Costs for damage to the heat pump, any apartment, common
14 area, or limited common area resulting from the installation, use,
15 maintenance, repair, removal, or replacement of the heat pump;

16 (c) If the owner decides to remove the heat pump, costs for the
17 removal and the restoration of the common area or limited common area
18 after the removal; and

19 (d) Removing heat pump equipment if reasonably necessary for the
20 repair, maintenance, or replacement of the common area or limited
21 common area.

22 (8) (a) An association of apartment owners that willfully violates
23 this section is liable to the apartment owner for actual damages, and
24 shall pay a civil penalty to the apartment owner in an amount not to
25 exceed \$1,000.

26 (b) In any action by an apartment owner requesting to have a heat
27 pump installed and seeking to enforce compliance with this section,
28 the court shall award reasonable attorneys' fees and costs to any
29 prevailing apartment owner.

30 (9) For the purposes of this section:

31 (a) "Heat pump" means a heating or refrigerating system used to
32 transfer heat. The heat pump condenser and evaporator may change
33 roles to transfer heat in either direction. By receiving the flow of
34 air or other fluid, a heat pump is used to cool or heat.

35 (b) "Reasonable restriction" means a restriction that does not
36 significantly increase the cost of a heat pump or significantly
37 decrease its efficiency or specified performance.

38 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.34
39 RCW to read as follows:

1 (1)(a) A unit owners' association may not adopt or enforce a
2 restriction, covenant, condition, bylaw, rule, regulation, provision
3 of a governing document, or master deed provision that:

4 (i) Effectively prohibits or unreasonably restricts the
5 installation or use of a heat pump in compliance with the
6 requirements of this section and for the personal use of a unit owner
7 within the boundaries of a unit; or

8 (ii) Is in conflict with the provisions of this section.

9 (b) Nothing in this section prohibits an association from
10 imposing reasonable restrictions on heat pumps.

11 (c) This section must not be construed to permit installation by
12 a unit owner of heat pump equipment on or in common elements without
13 approval of the board of directors.

14 (2) A unit owners' association may require a unit owner to submit
15 an application for approval for the installation of a heat pump
16 before installing the heat pump.

17 (3)(a) If approval is required for the installation of a heat
18 pump, the application for approval must be processed and approved in
19 the same manner as an application for approval of an architectural
20 modification.

21 (b) The approval or denial of an application must be in writing
22 and must not be willfully avoided or delayed.

23 (c) If an application is not denied in writing within 60 days
24 from the date of receipt of the application, the application is
25 deemed approved, unless that delay is the result of a reasonable
26 request for additional information.

27 (d) An association may not assess or charge a unit owner a fee
28 for the installation of a heat pump. An association may charge a
29 reasonable fee for processing the application to approve the
30 installation of a heat pump, but only if such a fee exists for all
31 applications for approval of architectural modifications.

32 (4) If approval is required for the installation of a heat pump,
33 a unit owners' association must approve the installation if the
34 installation is reasonably possible and the unit owner agrees in
35 writing to:

36 (a) Comply with the association's reasonable architectural
37 standards applicable to the installation of the heat pump;

38 (b) Engage a heating, ventilation, and air conditioning (HVAC)
39 contractor familiar with the standards for the installation of heat
40 pumps to assess the existing infrastructure necessary to support the

1 proposed heat pump, identify additional infrastructure needs, and
2 install the heat pump; and

3 (c) Comply with the requirements of this section.

4 (5) (a) A unit owner must obtain any permit or approval for a heat
5 pump as required by the local government in which the common interest
6 community is located and comply with all relevant building codes and
7 safety standards.

8 (b) A heat pump must meet all applicable health and safety
9 standards and requirements imposed by national, state, or local
10 authorities, and all other applicable zoning, land use or other
11 ordinances, building codes, or land use permits.

12 (6) (a) Unless otherwise agreed to by written contract with the
13 unit owners' association, a unit owner is responsible for the costs
14 of installing a heat pump.

15 (b) Heat pump equipment that is installed at the unit owner's
16 cost and is removable without damage to the property owned by others
17 may be removed at the unit owner's cost.

18 (7) The unit owner and each successive owner of the heat pump is
19 responsible for:

20 (a) Costs for the maintenance, repair, and replacement of the
21 heat pump up until the heat pump is removed;

22 (b) Costs for damage to the heat pump, any unit, common element,
23 or limited common element resulting from the installation, use,
24 maintenance, repair, removal, or replacement of the heat pump;

25 (c) If the unit owner decides to remove the heat pump, costs for
26 the removal and the restoration of the common elements or limited
27 common elements after the removal; and

28 (d) Removing heat pump equipment if reasonably necessary for the
29 repair, maintenance, or replacement of the common element or limited
30 common element.

31 (8) (a) A unit owners' association that willfully violates this
32 section is liable to the unit owner for actual damages, and shall pay
33 a civil penalty to the unit owner in an amount not to exceed \$1,000.

34 (b) In any action by a unit owner requesting to have a heat pump
35 installed and seeking to enforce compliance with this section, the
36 court shall award reasonable attorneys' fees and costs to any
37 prevailing unit owner.

38 (9) For the purposes of this section:

39 (a) "Heat pump" means a heating or refrigerating system used to
40 transfer heat. The heat pump condenser and evaporator may change

1 roles to transfer heat in either direction. By receiving the flow of
2 air or other fluid, a heat pump is used to cool or heat.

3 (b) "Reasonable restriction" means a restriction that does not
4 significantly increase the cost of a heat pump or significantly
5 decrease its efficiency or specified performance.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.38
7 RCW to read as follows:

8 (1)(a) A homeowners' association may not adopt or enforce a
9 restriction, covenant, condition, bylaw, rule, regulation, provision
10 of a governing document, or master deed provision that:

11 (i) Effectively prohibits or unreasonably restricts the
12 installation or use of a heat pump in compliance with the
13 requirements of this section and for the personal use of an owner
14 within the boundaries of a lot; or

15 (ii) Is in conflict with the provisions of this section.

16 (b) Nothing in this section prohibits an association from
17 imposing reasonable restrictions on heat pumps.

18 (c) This section must not be construed to permit installation by
19 an owner of heat pump equipment on or in common areas without
20 approval of the board of directors.

21 (2) A homeowners' association may require an owner to submit an
22 application for approval for the installation of a heat pump before
23 installing the heat pump.

24 (3)(a) If approval is required for the installation of a heat
25 pump, the application for approval must be processed and approved in
26 the same manner as an application for approval of an architectural
27 modification.

28 (b) The approval or denial of an application must be in writing
29 and must not be willfully avoided or delayed.

30 (c) If an application is not denied in writing within 60 days
31 from the date of receipt of the application, the application is
32 deemed approved, unless that delay is the result of a reasonable
33 request for additional information.

34 (d) An association may not assess or charge an owner a fee for
35 the installation of a heat pump. An association may charge a
36 reasonable fee for processing the application to approve the
37 installation of a heat pump, but only if such a fee exists for all
38 applications for approval of architectural modifications.

1 (4) If approval is required for the installation of a heat pump,
2 a homeowners' association must approve the installation if the
3 installation is reasonably possible and the owner agrees in writing
4 to:

5 (a) Comply with the association's reasonable architectural
6 standards applicable to the installation of the heat pump;

7 (b) Engage a heating, ventilation, and air conditioning (HVAC)
8 contractor familiar with the standards for the installation of heat
9 pumps to assess the existing infrastructure necessary to support the
10 proposed heat pump, identify additional infrastructure needs, and
11 install the heat pump; and

12 (c) Comply with the requirements of this section.

13 (5)(a) An owner must obtain any permit or approval for a heat
14 pump as required by the local government in which the common interest
15 community is located and comply with all relevant building codes and
16 safety standards.

17 (b) A heat pump must meet all applicable health and safety
18 standards and requirements imposed by national, state, or local
19 authorities, and all other applicable zoning, land use or other
20 ordinances, building codes, or land use permits.

21 (6)(a) Unless otherwise agreed to by written contract with the
22 homeowners' association, an owner is responsible for the costs of
23 installing a heat pump.

24 (b) Heat pump equipment that is installed at the owner's cost and
25 is removable without damage to the property owned by others may be
26 removed at the owner's cost.

27 (7) The owner and each successive owner of the heat pump is
28 responsible for:

29 (a) Costs for the maintenance, repair, and replacement of the
30 heat pump up until the heat pump is removed;

31 (b) Costs for damage to the heat pump, any unit, common area, or
32 limited common area resulting from the installation, use,
33 maintenance, repair, removal, or replacement of the heat pump;

34 (c) If the owner decides to remove the heat pump, costs for the
35 removal and the restoration of the common areas or limited common
36 areas after the removal; and

37 (d) Removing heat pump equipment if reasonably necessary for the
38 repair, maintenance, or replacement of the common area or limited
39 common area.

1 (8) (a) A homeowners' association that willfully violates this
2 section is liable to the owner for actual damages, and shall pay a
3 civil penalty to the owner in an amount not to exceed \$1,000.

4 (b) In any action by an owner requesting to have a heat pump
5 installed and seeking to enforce compliance with this section, the
6 court shall award reasonable attorneys' fees and costs to any
7 prevailing owner.

8 (9) For the purposes of this section:

9 (a) "Heat pump" means a heating or refrigerating system used to
10 transfer heat. The heat pump condenser and evaporator may change
11 roles to transfer heat in either direction. By receiving the flow of
12 air or other fluid, a heat pump is used to cool or heat.

13 (b) "Reasonable restriction" means a restriction that does not
14 significantly increase the cost of a heat pump or significantly
15 decrease its efficiency or specified performance.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 64.90
17 RCW to read as follows:

18 (1) (a) A unit owners association may not adopt or enforce a
19 restriction, covenant, condition, bylaw, rule, regulation, provision
20 of a governing document, or master deed provision that:

21 (i) Effectively prohibits or unreasonably restricts the
22 installation or use of a heat pump in compliance with the
23 requirements of this section and for the personal use of a unit owner
24 within the boundaries of a unit; or

25 (ii) Is in conflict with the provisions of this section.

26 (b) Nothing in this section prohibits an association from
27 imposing reasonable restrictions on heat pumps.

28 (c) This section must not be construed to permit installation by
29 a unit owner of heat pump equipment on or in common elements without
30 approval of the board.

31 (2) A unit owners association may require a unit owner to submit
32 an application for approval for the installation of a heat pump
33 before installing the heat pump.

34 (3) (a) If approval is required for the installation of a heat
35 pump, the application for approval must be processed and approved in
36 the same manner as an application for approval of an architectural
37 modification.

38 (b) The approval or denial of an application must be in writing
39 and must not be willfully avoided or delayed.

1 (c) If an application is not denied in writing within 60 days
2 from the date of receipt of the application, the application is
3 deemed approved, unless that delay is the result of a reasonable
4 request for additional information.

5 (d) An association may not assess or charge a unit owner a fee
6 for the installation of a heat pump. An association may charge a
7 reasonable fee for processing the application to approve the
8 installation of a heat pump, but only if such a fee exists for all
9 applications for approval of architectural modifications.

10 (4) If approval is required for the installation of a heat pump,
11 a unit owners association must approve the installation if the
12 installation is reasonably possible and the unit owner agrees in
13 writing to:

14 (a) Comply with the association's reasonable architectural
15 standards applicable to the installation of the heat pump;

16 (b) Engage a heating, ventilation, and air conditioning (HVAC)
17 contractor familiar with the standards for the installation of heat
18 pumps to assess the existing infrastructure necessary to support the
19 proposed heat pump, identify additional infrastructure needs, and
20 install the heat pump; and

21 (c) Comply with the requirements of this section.

22 (5) (a) A unit owner must obtain any permit or approval for a heat
23 pump as required by the local government in which the common interest
24 community is located and comply with all relevant building codes and
25 safety standards.

26 (b) A heat pump must meet all applicable health and safety
27 standards and requirements imposed by national, state, or local
28 authorities, and all other applicable zoning, land use or other
29 ordinances, building codes, or land use permits.

30 (6) (a) Unless otherwise agreed to by written contract with the
31 unit owners association, a unit owner is responsible for the costs of
32 installing a heat pump.

33 (b) Heat pump equipment that is installed at the unit owner's
34 cost and is removable without damage to the property owned by others
35 may be removed at the unit owner's cost.

36 (7) The unit owner and each successive owner of the heat pump is
37 responsible for:

38 (a) Costs for the maintenance, repair, and replacement of the
39 heat pump up until the heat pump is removed;

1 (b) Costs for damage to the heat pump, any unit, common element,
2 or limited common element resulting from the installation, use,
3 maintenance, repair, removal, or replacement of the heat pump;

4 (c) If the unit owner decides to remove the heat pump, costs for
5 the removal and the restoration of the common elements or limited
6 common elements after the removal; and

7 (d) Removing heat pump equipment if reasonably necessary for the
8 repair, maintenance, or replacement of the common element or limited
9 common element.

10 (8) (a) A unit owners association that willfully violates this
11 section is liable to the unit owner for actual damages, and shall pay
12 a civil penalty to the unit owner in an amount not to exceed \$1,000.

13 (b) In any action by a unit owner requesting to have a heat pump
14 installed and seeking to enforce compliance with this section, the
15 court shall award reasonable attorneys' fees and costs to any
16 prevailing unit owner.

17 (9) For the purposes of this section:

18 (a) "Heat pump" means a heating or refrigerating system used to
19 transfer heat. The heat pump condenser and evaporator may change
20 roles to transfer heat in either direction. By receiving the flow of
21 air or other fluid, a heat pump is used to cool or heat.

22 (b) "Reasonable restriction" means a restriction that does not
23 significantly increase the cost of a heat pump or significantly
24 decrease its efficiency or specified performance.

25 NEW SECTION. **Sec. 5.** If chapter . . . (Senate Bill No. 5796),
26 Laws of 2024 is enacted by June 30, 2024, sections 1 through 3 of
27 this act expire January 1, 2028.

Passed by the Senate February 8, 2024.

Passed by the House February 27, 2024.

Approved by the Governor March 15, 2024.

Filed in Office of Secretary of State March 15, 2024.

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