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**SUBSTITUTE SENATE BILL 6001**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Keiser and Kuderer)

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 total  
17 votes allocated to units or unit owners is required to amend the  
18 bylaws, the bylaws may be amended by applying the minimum percentage  
19 of affirmative votes to the number of votes received rather than the  
20 total number of votes allocated if:

21 (a) The proposed amendment does not address the method of  
22 amending the bylaws as provided in subsection (1)(e) of this section;  
23 and

24 (b) Unit owners are provided with at least three advance notices,  
25 sent by certified United States mail at least ten days apart, and  
26 which include:

27 (i) The text of each proposed amendment to be voted on;

28 (ii) The method by which the unit owner can vote on the proposed  
29 amendment, either by attendance at a properly convened meeting or  
30 other voting process permitted by the governing documents; and

31 (iii) A statement that the minimum percentage of votes needed for  
32 passage of the amendment will be applied to the number of votes  
33 returned and the failure to vote is neither a vote in favor or  
34 against the proposed amendment.

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

37 (1) This chapter applies to all condominiums created within this  
38 state after July 1, 1990. RCW 64.34.040 (separate titles and  
39 taxation), RCW 64.34.050 (applicability of local ordinances,

1 regulations, and building codes), RCW 64.34.060 (condemnation), RCW  
2 64.34.208 (construction and validity of declaration and bylaws), RCW  
3 64.34.268 (1) through (7) and (10) (termination of condominium), RCW  
4 64.34.212 (description of units), RCW 64.34.304(1) (a) through (f)  
5 and (k) through (t) (powers of unit owners' association), RCW  
6 64.34.308(1) (board of directors and officers), RCW 64.34.324(4)  
7 (amendments to bylaws), RCW 64.34.340 (voting—proxies), RCW 64.34.344  
8 (tort and contract liability), RCW 64.34.354 (notification on sale of  
9 unit), RCW 64.34.360(3) (common expenses—assessments), RCW 64.34.364  
10 (lien for assessments), RCW 64.34.372 (association records), RCW  
11 64.34.425 (resales of units), RCW 64.34.455 (effect of violation on  
12 rights of action; attorney's fees), RCW 64.34.380 through 64.34.392  
13 (reserve studies and accounts), and RCW 64.34.020 (definitions) to  
14 the extent necessary in construing any of those sections, apply to  
15 all condominiums created in this state before July 1, 1990; but those  
16 sections apply only with respect to events and circumstances  
17 occurring after July 1, 1990, and do not invalidate or supersede  
18 existing, inconsistent provisions of the declaration, bylaws, or  
19 survey maps or plans of those condominiums.

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

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

33 (4) RCW 64.34.400 (applicability—waiver), RCW 64.34.405  
34 (liability for public offering statement requirements), RCW 64.34.410  
35 (public offering statement—general provisions), RCW 64.34.415 (public  
36 offering statement—conversion condominiums), RCW 64.34.420  
37 (purchaser's right to cancel), RCW 64.34.430 (escrow of deposits),  
38 RCW 64.34.440 (conversion condominiums—notice—tenants-relocation  
39 assistance), and RCW 64.34.455 (effect of violations on rights of

1 action—attorney's fees) apply with respect to all sales of units  
2 pursuant to purchase agreements entered into after July 1, 1990, in  
3 condominiums created before July 1, 1990, in which as of July 1,  
4 1990, the declarant or an affiliate of the declarant owns or had the  
5 right to create at least ten units constituting at least twenty  
6 percent of the units in the condominium.

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