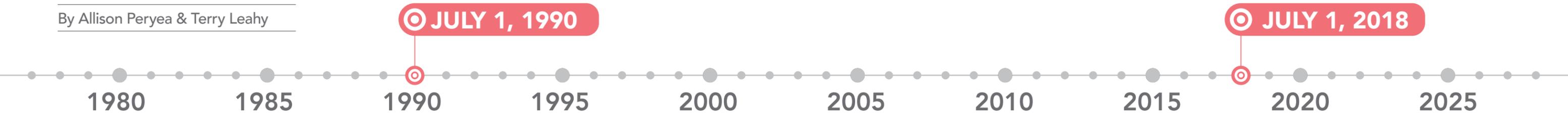


Chart Of Washington Statutes That May Apply To Your Community

By Allison Peryea & Terry Leahy



RCW 64.32



HORIZONTAL PROPERTY REGIMES ACT

APPLIES TO:

Condominiums created on or before July 1, 1990.

NOTES:

- ▶ Known as informally as the “Old Act.”
- ▶ A relatively sparse statute; WUCIOA and “New Act” provisions fill in some gaps.
- ▶ Allows for the declaration to provide for utilities shut-off if assessments are not timely paid. RCW 64.32.200(1)(a).

◎ JULY 1, 1990

RCW 64.38



HOMEOWNERS' ASSOCIATIONS ACT

APPLIES TO:

Homeowners' associations created prior to July 1, 2018.

NOTES:

- ▶ Homeowners' associations created after July 1, 2018 are subject instead to WUCIOA.
- ▶ A sparse statute but includes provisions regarding specific items such as flags, political signs, and adult family homes. Also includes significant language regarding reserves.

RCW 64.34



CONDOMINIUM ACT

APPLIES TO:

Condominiums created after July 1, 1990 and before July 1, 2018. (See RCW 64.34.010(1))

NOTES:

- ▶ Known informally as the “New Act” (until the adoption of WUCIOA).
- ▶ Pre-existing communities may opt in and need not opt into entire statute. But a community cannot give someone rights, powers or privileges in the Act without also opting into any “correlative obligations, liabilities and restrictions” that would apply that that same person. (RCW 64.34.010(2)).
- ▶ Certain provisions apply automatically to pre-existing communities. (RCW 64.34.010) Examples include the resale provision (RCW 64.34.425) and attorneys' fees provision (RCW 64.34.455).

◎ JULY 1, 2018

RCW 64.90



WUCIOA

APPLIES TO:

Common-interest communities (COAs or HOAs) created after July 1, 2018, with a minor exception. (See RCW 64.90.075)

NOTES:

- ▶ This is recently adopted legislation resulting from the longtime goal of developing one statute to apply to communities of all types.
- ▶ Pre-existing communities may “opt in” to WUCIOA. It then replaces the statute that previously applied. But for condominiums, the declaration still trumps WUCIOA until the association “opts-out” of some or all of its declaration. But a community cannot grant rights, powers or privileges in the Act without also opting into any “correlative obligations, liabilities and restrictions.” (RCW 64.90.095(1)-(2)).
- ▶ Two WUCIOA provisions apply to almost all pre-existing communities automatically. (RCW 64.90.080(1)). These include the opt-in provision and the budget-ratification provision, RCW 64.90.525. They only apply to events and circumstances happening after July 1, 2018. They do not “invalidate” existing provisions of the governing documents, except with respect to HOAs. (RCW 64.90.080(2)).
- ▶ Portions of certain statutes that applied to pre-existing communities no longer apply to the extent they are “inconsistent.” (RCW 64.90.080(1)).

Other Statutes That May Apply:

RCW 24.03

NONPROFIT CORPORATION ACT

APPLIES TO:

Any common-interest community organized under the Act

NOTES:

- ▶ Check Articles of Incorporation to determine whether this Act applies.
- ▶ Most incorporated associations are incorporated under to this Act.
- ▶ Includes operational rather than substantive requirements. Often defers to the Bylaws or Articles of Incorporation in the event of a conflict.

RCW 24.06

NONPROFIT MISCELLANEOUS & MUTUAL CORPORATIONS ACT

APPLIES TO:

Any common-interest community organized under the Act

NOTES:

- ▶ Check Articles of Incorporation to determine whether this Act applies.
- ▶ Fewer community associations incorporate under this Act.
- ▶ Includes operational rather than substantive requirements. Often defers to the Bylaws or Articles of Incorporation in the event of a conflict.



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