
SENATE BILL 5792

State of Washington

68th Legislature

2024 Regular Session

By Senators Padden and Pedersen

Prefiled 12/04/23.

1 AN ACT Relating to exempting buildings with 12 or fewer units
2 that are no more than three stories so long as one story is utilized
3 for either parking or retail, from the definition of multiunit
4 residential building; and amending RCW 64.55.010.

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

6 **Sec. 1.** RCW 64.55.010 and 2023 c 263 s 1 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 RCW 64.34.020 and in this section apply throughout this chapter.

10 (1) "Attached dwelling unit" means any dwelling unit that is
11 attached to another dwelling unit by a wall, floor, or ceiling that
12 separates heated living spaces. A garage is not a heated living
13 space.

14 (2) "Building enclosure" means that part of any building, above
15 or below grade, that physically separates the outside or exterior
16 environment from interior environments and which weatherproofs,
17 waterproofs, or otherwise protects the building or its components
18 from water or moisture intrusion. Interior environments consist of
19 both heated and unheated enclosed spaces. The building enclosure
20 includes, but is not limited to, that portion of roofs, walls,
21 balcony support columns, decks, windows, doors, vents, and other

1 penetrations through exterior walls, which waterproof, weatherproof,
2 or otherwise protect the building or its components from water or
3 moisture intrusion.

4 (3) "Building enclosure design documents" means plans, details,
5 and specifications for the building enclosure that have been stamped
6 by a licensed engineer or architect. The building enclosure design
7 documents shall include details and specifications that are
8 appropriate for the building in the professional judgment of the
9 architect or engineer who prepared the same to waterproof,
10 weatherproof, and otherwise protect the building or its components
11 from water or moisture intrusion, including details of flashing,
12 intersections at roof, eaves or parapets, means of drainage, water-
13 resistive membrane, and details around openings.

14 (4) "Developer" means:

15 (a) With respect to a condominium or a conversion condominium,
16 the declarant; and

17 (b) With respect to all other buildings, an individual, group of
18 individuals, partnership, corporation, association, municipal
19 corporation, state agency, or other entity or person that obtains a
20 building permit for the construction or rehabilitative reconstruction
21 of a multiunit residential building. If a permit is obtained by
22 service providers such as architects, contractors, and consultants
23 who obtain permits for others as part of services rendered for a fee,
24 the person for whom the permit is obtained shall be the developer,
25 not the service provider.

26 (5) " Dwelling unit" has the meaning given to that phrase or
27 similar phrases in the ordinances of the jurisdiction issuing the
28 permit for construction of the building enclosure but if such
29 ordinances do not provide a definition, then "dwelling unit" means a
30 residence containing living, cooking, sleeping, and sanitary
31 facilities.

32 (6) "Multiunit residential building" means:

33 (a) A building containing more than two attached dwelling units,
34 including a building containing nonresidential units if the building
35 also contains more than two attached dwelling units, but excluding
36 the following classes of buildings:

- 37 (i) Hotels and motels;
- 38 (ii) Dormitories;
- 39 (iii) Care facilities;
- 40 (iv) Floating homes;

1 (v) A building that contains attached dwelling units that are
2 each located on a single platted lot, except as provided in (b) of
3 this subsection;

4 (vi) A building in which all of the dwelling units are held under
5 one ownership and is subject to a recorded irrevocable sale
6 prohibition covenant; (~~and~~)

7 (vii) A building with 12 or fewer units that is no more than two
8 stories; and

9 (viii) A building with 12 or fewer units that is no more than
10 three stories so long as one story is utilized for parking, either
11 above or below ground, or retail space.

12 (b) If the developer submits to the appropriate building
13 department when applying for the building permit described in RCW
14 64.55.020 a statement that the developer elects to treat the
15 improvement for which a permit is sought as a multiunit residential
16 building for all purposes under this chapter, then "multiunit
17 residential building" also means the following buildings for which
18 such election has been made:

19 (i) A building containing only two attached dwelling units;

20 (ii) A building that does not contain attached dwelling units;

21 and

22 (iii) Any building that contains attached dwelling units each of
23 which is located on a single platted lot.

24 (7) "Party unit owner" means a unit owner who is a named party to
25 an action subject to this chapter and does not include any unit
26 owners whose involvement with the action stems solely from their
27 membership in the association.

28 (8) "Qualified building inspector" means a person satisfying the
29 requirements of RCW 64.55.040.

30 (9) "Rehabilitative construction" means construction work on the
31 building enclosure of a multiunit residential building if the cost of
32 such construction work is more than five percent of the assessed
33 value of the building.

34 (10) "Sale prohibition covenant" means a recorded covenant that
35 prohibits the sale or other disposition of individual dwelling units
36 as or as part of a condominium for five years or more from the date
37 of first occupancy except as otherwise provided in RCW 64.55.090, a
38 certified copy of which the developer shall submit to the appropriate
39 building department; provided such covenant shall not apply to sales
40 or dispositions listed in RCW 64.34.400(2). The covenant must be

1 recorded in the county in which the building is located and must be
2 in substantially the following form:

3 This covenant has been recorded in the real property records
4 of County, Washington, in satisfaction of the
5 requirements of RCW 64.55.010 through 64.55.090. The
6 undersigned is the owner of the property described on Exhibit
7 A (the "Property"). Until termination of this covenant, no
8 dwelling unit in or on the Property may be sold as a
9 condominium unit except for sales listed in RCW 64.34.400(2).

10 This covenant terminates on the earlier of either: (a)
11 Compliance with the requirements of RCW 64.55.090, as
12 certified by the owner of the Property in a recorded
13 supplement hereto; or (b) the fifth anniversary of the date
14 of first occupancy of a dwelling unit as certified by the
15 Owner in a recorded supplement hereto.

16 All title insurance companies and persons acquiring an interest in
17 the Property may rely on the forgoing certifications without further
18 inquiry in issuing any policy of title insurance or in acquiring an
19 interest in the Property.

20 (11) "Stamped" means bearing the stamp and signature of the
21 responsible licensed architect or engineer on the title page, and on
22 every sheet of the documents, drawings, or specifications, including
23 modifications to the documents, drawings, and specifications that
24 become part of change orders or addenda to alter those documents,
25 drawings, or specifications.

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