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**SENATE BILL 5973**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Lias and Nguyen

Prefiled 01/04/24.

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; and prescribing penalties.

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

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

8 (1)(a) An association of apartment owners may not adopt or  
9 enforce a restriction, covenant, condition, bylaw, rule, regulation,  
10 provision 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 apartment  
14 owner within the boundaries of an apartment; 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 apartment owner of heat pump equipment on or in common areas  
20 without approval of the association, or the manager or board of  
21 directors acting on the association's behalf.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (9) For the purposes of this section, "reasonable restriction"  
29 means a restriction that does not significantly increase the cost of  
30 a heat pump or significantly decrease its efficiency or specified  
31 performance.

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

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

37 (i) Effectively prohibits or unreasonably restricts the  
38 installation or use of a heat pump in compliance with the

1 requirements of this section and for the personal use of a unit owner  
2 within the boundaries of a unit; or

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

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

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

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

12 (3)(a) If approval is required for the installation of a heat  
13 pump, the application for approval must be processed and approved in  
14 the same manner as an application for approval of an architectural  
15 modification.

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

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

22 (d) An association may not assess or charge a unit owner a fee  
23 for the installation of a heat pump. An association may charge a  
24 reasonable fee for processing the application to approve the  
25 installation of a heat pump, but only if such a fee exists for all  
26 applications for approval of architectural modifications.

27 (4) If approval is required for the installation of a heat pump,  
28 a unit owners' association must approve the installation if the  
29 installation is reasonably possible and the unit owner agrees in  
30 writing to:

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

33 (b) Engage a heating, ventilation, and air conditioning (HVAC)  
34 contractor familiar with the standards for the installation of heat  
35 pumps to assess the existing infrastructure necessary to support the  
36 proposed heat pump, identify additional infrastructure needs, and  
37 install the heat pump; and

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

39 (5)(a) A unit owner must obtain any permit or approval for a heat  
40 pump as required by the local government in which the common interest

1 community is located and comply with all relevant building codes and  
2 safety standards.

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

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

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

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

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

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

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

23 (d) Removing heat pump equipment if reasonably necessary for the  
24 repair, maintenance, or replacement of the common element or limited  
25 common element.

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

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

33 (9) For the purposes of this section, "reasonable restriction"  
34 means a restriction that does not significantly increase the cost of  
35 a heat pump or significantly decrease its efficiency or specified  
36 performance.

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

1 (1) (a) A homeowners' 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 an owner  
7 within the boundaries of a lot; 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 an owner of heat pump equipment on or in common areas without  
13 approval of the board of directors.

14 (2) A homeowners' association may require an owner to submit an  
15 application for approval for the installation of a heat pump before  
16 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 an owner a fee for  
28 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 homeowners' association must approve the installation if the  
34 installation is reasonably possible and the owner agrees in writing  
35 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) An 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 homeowners' association, an owner is responsible for the costs of  
14 installing a heat pump.

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

18 (7) The 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 area, or  
23 limited common area resulting from the installation, use,  
24 maintenance, repair, removal, or replacement of the heat pump;

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

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

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

34 (b) In any action by an 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 owner.

38 (9) For the purposes of this section, "reasonable restriction"  
39 means a restriction that does not significantly increase the cost of

1 a heat pump or significantly decrease its efficiency or specified  
2 performance.

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

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

8 (i) Effectively prohibits or unreasonably restricts the  
9 installation or use of a heat pump in compliance with the  
10 requirements of this section and for the personal use of a unit owner  
11 within the boundaries of a unit; or

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

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

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

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

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

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

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

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

36 (4) If approval is required for the installation of a heat pump,  
37 a unit owners association must approve the installation if the  
38 installation is reasonably possible and the unit owner agrees in  
39 writing to:



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

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

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

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

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

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

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

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

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

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

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

33 (d) Removing heat pump equipment if reasonably necessary for the  
34 repair, maintenance, or replacement of the common element or limited  
35 common element.

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

39 (b) In any action by a unit owner requesting to have a heat pump  
40 installed and seeking to enforce compliance with this section, the

1 court shall award reasonable attorneys' fees and costs to any  
2 prevailing unit owner.

3 (9) For the purposes of this section, "reasonable restriction"  
4 means a restriction that does not significantly increase the cost of  
5 a heat pump or significantly decrease its efficiency or specified  
6 performance.

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