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Bernice Stern Ruby Chow
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Introduced by: Gary Grant
79-687

ORDINANCE NO. 4334

AN ORDINANCE relating to rental units which have been sold after being converted to condominium apartments; amending Sections 2 and 3 of Ordinance 4189, as amended; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4189, Section 2, is hereby amended to read as follows:

A. Apartment. "Apartment" shall mean any apartment as defining by the King County Zoning Code, KCC 21.04.050.

B. Building. "Building" shall mean any existing structure containing one or more housing units and any grouping of such structures which as rental structures were operated under a single name and as converted buildings are the subject of a single declaration or simultaneous declarations filed pursuant to the State Horizontal Property Regimes Act, RCW Chapter 64.32.

C. Condominium. "Condominium" shall mean real estate subject to that form of ownership, as established and declared by RCW chapter 64.32, whereby the owner of each condominium apartment is entitled to the exclusive ownership and possession of his or her apartment in fee simple absolute or qualified, by way of leasehold or by way of periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, together with an undivided interest in a like estate of the common areas and facilities in the percentage specified in the declaration as duly recorded under state law.

D. Conversion. "Conversion" shall mean the act of filing a declaration pursuant to RCW chapter 64.32 where the resultant condominium includes or is part of any building that at any time prior to recording of the declaration was occupied wholly or in part by tenants. "Conversion" shall also include the sale by a developer of condominium apartments that were previously rental units.

E. Developer. Any person, firm, partnership, joint

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1 venture, corporation or any other entity or combination of
2 entities who undertake the conversion, sale, or offering for sale
3 of condominium apartments. "Developer" shall also include the
4 agents of and successors to developers. ((A-person-who-purchases
5 a-condominium-apartment-and-then-rents-same-shall-not-be-
6 considered-a-"developer"-of-that-unit))

7 F. Director. "Director" shall mean the Director of
8 the King County Department of Planning and Community Development
9 and his or her designees.

10 G. Eviction. "Eviction" shall mean any effort by a
11 developer to deprive a tenant of possession of premises or to
12 terminate a tenancy by lawful or unlawful means.

13 H. Housing Code. "Housing Code" shall mean the King
14 County Housing Code, as codified and incorporated by KCC
15 16.04.010(3) and KCC 16.04.040.

16 I. Offer for Sale. "Offer for Sale" shall mean a
17 written offer to sell a condominium apartment to the tenant in
18 possession of that unit at a specific price and on specific terms
19 or any advertisement, inducement, solicitation, or attempt by a
20 developer to encourage any person other than a tenant to purchase
21 a condominium apartment.

22 J. Owners' Association. "Owners' Association" shall
23 mean an association formed by owners of condominium apartments,
24 acting as a group in accordance with bylaws and a duly recorded
25 condominium declaration, for the purpose of managing a
26 condominium.

27 K. Person. "Person" shall mean a natural person,
28 corporation, partnership, association, trust, other entity, or
29 any combination thereof.

30 L. Prospective Purchaser. "Prospective purchaser"
31 shall mean any person, including existing tenants or subtenants,
32 who expresses an interest to a declarant or the agent of a
33 declarant in purchasing a condominium apartment.

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1 M. Purchase. "Purchase" shall mean the transmission
2 of property from one person to another by voluntary act and
3 agreement, founded on a valuable consideration, and shall include
4 the consummation of an earnest money agreement.

5 N. Rental Unit. "Rental unit" shall mean any
6 "dwelling unit", as that term is defined in the King County
7 Zoning Code, KCC 21.04.255, which is being rented on a periodic
8 basis or leased for purposes of habitation.

9 O. Tenant. "Tenant" shall mean any person who is
10 entitled to occupy a rental unit primarily for living or dwelling
11 purposes under a rental or lease agreement, written or oral,
12 express or implied. The term "tenant" shall also include a
13 subtenant as defined in "P" below unless the two terms are
14 specifically distinguished. For purposes of the notices and
15 disclosures required by this Ordinance, the term "tenant" shall
16 mean the tenant of record on the rental agreement.

17 P. Subtenant. "Subtenant" shall mean a person in
18 occupancy with the written consent of the owner.

19 SECTION 2. Ordinance 4189, Section 3, as amended, is hereby
20 amended to read as follows:

21 APPLICATION.

22 A. In General. 1. This ordinance shall apply only to
23 the conversion and sale of rental units that have not yet been
24 converted to condominium apartments and to those units in
25 converted buildings that are not yet subject to a binding
26 purchase commitment or have not been sold on the effective date
27 of this ordinance. However, in the case of occupied units for
28 which a declaration has been filed pursuant to RCW 64.32 and
29 whose tenants have received notice of such declaration and of the
30 developer's intent to sell prior to the effective date of this
31 ordinance, the notice requirements of Part II of this ordinance
32 shall be deemed fulfilled if the notices delivered to tenants and
33 subtenants in possession are at least equal to those required in

1 Part II.

2 2. The provisions of this ordinance shall not apply to
3 a unit ((~~eee~~)) after it has been sold as a condominium
4 apartment((~~r~~)) , provided that the notice, relocation assistance
5 and disclosures required by this ordinance have been provided in
6 relation to that unit. The consumer protection disclosures and
7 rights provided by Part III of this Ordinance are intended at a
8 minimum to protect prospective purchasers who are not developers.

9 3. Part II of this ordinance, Protection of Tenants,
10 shall not apply to condominium apartments that are vacant on the
11 effective date of this ordinance and which have been offered for
12 sale prior to the date; provided that any tenant who takes
13 possession of the apartment after said date shall be provided the
14 disclosures required by Section 3B of this ordinance and shall be
15 entitled to the benefits of that section if the required
16 disclosures are not given.

17 B. Application to Tenants. This Ordinance shall apply
18 only to those tenants who have received notice that their units
19 may be converted and/or who are in possession of rental units in
20 converted buildings at the time the notices, offers, and
21 disclosures provided by this Ordinance are required to be
22 delivered, including tenants who have received an eviction notice
23 under RCW 59.18.200 effective after the effective date of this
24 Ordinance. This Ordinance shall not apply to tenants who take
25 possession of a unit vacated by a tenant who has received the
26 notices and other benefits provided by this Ordinance; provided,
27 that developers shall disclose in writing to all tenants who take
28 possession after service of the 120-day notice required by this
29 Ordinance that the unit has been sold or will be offered for sale
30 as a condominium apartment. This disclosure shall be made prior
31 to the execution of any written rental agreement or prior to the
32 tenant's taking possession whichever occurs earlier. A
33 developer's failure to disclose, within the time specified above,

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that the unit has been sold or offered for sale shall entitle the tenant to all the other protections and benefits of this Ordinance.

C. New Condominium Apartments. Newly constructed apartment units for which a certificate of occupancy is issued subsequent to the date of this Ordinance, and which have been declared as condominiums prior to occupancy, shall be exempt from the provisions of the ordinance for a period of 280 days from the date of first occupancy; PROVIDED that if any unit in such apartment is rented prior to sale, the developer or owner shall provide written notice to the prospective tenant, in a form approved by the Director, that the apartment is a condominium subject to future sale.

SECTION 3. The County Council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

INTRODUCED AND READ for the first time this 14th day of May, 1979.

PASSED this 18th day of June, 1979.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Ruby Chow
Chairman

ATTEST:

Bonnie G. Jensen
Deputy Clerk of the Council

APPROVED this 22^d day of June, 1979.

[Signature]
King County Executive