

June 15, 1990

INTRODUCED BY: AUDREY GRUGER

PROPOSED NO.: 90-562

ORDINANCE NO. **9587**

1
2 AN ORDINANCE related to the conversion of real
3 property to condominium ownership, requiring
4 relocation assistance and code inspection and repair
5 requirements; repealing Ordinance 4189, Sections 1
6 through 21, and K.C.C. 20.58.010 through 20.58.200;
7 and prescribing penalties.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Ordinance 4189, Sections 1 through 21, and K.C.C. 20.58.010
10 through 20.58.200 are each repealed.

11 SECTION 2. Definitions. For the purpose of this ordinance, the
12 following terms shall have the meanings set forth below:

13 A. "Condominium" means real property, including but not limited to
14 residential buildings and mobile home parks, portions of which are
15 designated for separate ownership and the remainder of which is designated
16 for common ownership solely by the owners of those portions. Real property
17 is not a condominium unless the undivided interests in the common elements
18 are vested in the unit owners, and unless a declaration and a survey map and
19 plans have been recorded pursuant to the Horizontal Property Regimes Act
20 (RCW 64.32) or the Condominium Act (RCW 64.34).

21 B. "Condominium conversion notice" means the notice of conversion
22 required by RCW 64.34.440 to be given to residential tenants and subtenants
23 in real property converted to condominium ownership.

24 C. "Conversion condominium" means a condominium that at any time
25 before creation of the condominium was lawfully occupied wholly or partially
26 by a tenant or subtenant for residential purposes pursuant to a rental
27 agreement, oral or written, express or implied; or a condominium that at any
28 time before the conveyance of, or acceptance of an agreement to convey, any
29 unit therein other than to a declarant or any affiliate of a declarant, was
30 lawfully occupied by a residential tenant of a declarant or an affiliate of
31 a declarant and such tenant was not notified in writing, prior to lawfully
32 occupying a unit or executing a rental agreement, whichever event first
occurs, that the unit was part of a condominium and subject to sale.

"Conversion condominium" shall not include a condominium in which before the

1 effective date of this ordinance, any unit therein had been conveyed or been
2 made subject to an agreement to convey to any transferee other than a
3 declarant or an affiliate of a declarant.

4 D. "Declarant" means any person or group of persons acting in concert
5 who executes as declarant the document, however denominated, that creates a
6 condominium by setting forth the information required by RCW 64.34, or who
7 reserves or succeeds to any special declarant rights under such a document.

8 E. "Director" means the director of the King County Parks, Planning
9 and Resources Department and his or her designees.

10 F. "Division" means the King County Building and Land Development
11 Division.

12 G. "Residential inspection" means inspection of real property to be
13 converted to condominium ownership for compliance with the Uniform Housing
14 Code as adopted by King County and other land use or public health codes and
15 ordinances as determined by the director.

16 H. "Owners association" means the association of condominium unit
17 owners, organized in accordance with RCW 64.34, for the purpose of managing
18 a condominium.

19 I. "Person" means a natural person, corporation, partnership, limited
20 partnership, trust, governmental subdivision or agency, or other legal
21 entity.

22 J. "Public offering statement" means a document offering condominium
23 units for sale, and providing descriptions and disclosures relating to the
24 condominium pursuant to RCW 64.34.

25 K. "Tenant" means any person who is entitled to occupy a rental unit
26 primarily for living or dwelling purposes under a rental or lease agreement,
27 written or oral, express or implied. The term "tenant" also includes a
28 subtenant who is in occupancy with the consent of the owner.

29 L. "Unit" means a physical portion of the condominium designated for
30 separate ownership, the boundaries of which are described pursuant to RCW
31 64.34.216(1)(d).

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1 SECTION 3. Application. This ordinance applies to all conversion
2 condominiums created in unincorporated areas of King County after the
3 effective date of this ordinance.

4 SECTION 4. Relocation Assistance.

5 A. Relocation assistance of five hundred dollars per unit shall be
6 paid by the declarant to tenants and subtenants who elect not to purchase a
7 unit and who are in lawful occupancy for residential purposes of a unit and
8 whose monthly household income from all sources, on the date of the
9 condominium conversion notice, was less than an amount equal to eighty
10 percent of the monthly median income for comparably sized households in the
11 Seattle-Everett Metropolitan Statistical Area, as defined by the United
12 States Department of Housing and Urban Development. The household size of a
13 unit shall be based on the number of persons actually in lawful occupancy of
14 the unit on the date of the condominium conversion notice.

15 B. The tenant or subtenant actually in lawful occupancy of the unit
16 shall be entitled to the relocation assistance.

17 C. Relocation assistance shall be paid on or before the date the
18 tenant or subtenant vacates and shall be in addition to any damage deposit
19 or other compensation or refund to which the tenant is otherwise entitled.
20 Unpaid rent or other amounts owed by the tenant or subtenant to the landlord
21 may be offset against the relocation assistance.

22 D. This section shall not apply to mobile home park tenants who
23 otherwise receive relocation assistance pursuant to the Mobile Home Park
24 Relocation Act (RCW 59.21).

25 SECTION 5. Mandatory Residential Inspection.

26 A. The declarant shall, at his or her expense, obtain a residential
27 inspection by the Building and Land Development division of the premises
28 subject to conversion. Inspection shall be made within forty-five days of a
29 declarant's written request. A written residential inspection report shall
30 be issued by the division within fourteen days following completion of the
31 residential inspection.

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1 B. Any public offering statement issued with respect to a conversion
2 condominium shall include a copy of the written residential inspection
3 report from the division.

4 C. Prior to the conveyance of any residential unit within a conversion
5 condominium, the declarant shall repair all violations disclosed in the
6 residential inspection report and shall obtain certification from the
7 division that such have been properly made. Certification of repairs by the
8 division shall be based upon a reinspection of the conversion condominium
9 premises, to be performed within seven days of the declarant's written
10 request. Certification shall be issued within seven days following
11 reinspection if property is then determined to be in compliance.

12 D. Certification by the division shall state that only those defects
13 discovered by the residential inspection have been corrected and that the
14 certification does not guarantee that all relevant code violations have been
15 corrected. No declarant shall use the division's certification in any
16 advertising, nor shall a declarant indicate or imply to anyone, for the
17 purpose of inducing a person to purchase a condominium unit, that King
18 County or any of its departments has "approved" the premises or any unit for
19 sale.

20 SECTION 6. Warranty of Repairs and Escrow Fund.

21 A. The repairs required to be made in Section 5 of this ordinance
22 shall be warranted by the declarant against defects due to workmanship or
23 materials for a period of one year following the completion of such repairs.

24 B. Prior to conveyance of any residential unit within a conversion
25 condominium, the declarant shall establish and maintain an account with a
26 bank or other financial institution of the declarant's choosing, containing
27 a sum equal to ten percent of the actual cost of making repairs required in
28 Section 5 of this ordinance. During the one year warranty period, funds
29 contained in the account shall be used exclusively for paying the actual
30 cost of making repairs required, or for otherwise satisfying claims made
31 under the warranty. The declarant shall, in writing, notify the owners'
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1 association and the division of the location of the account and of any
2 disbursements therefrom. Following expiration of the warranty period, any
3 funds remaining in the account shall be disbursed to the declarant.

4 C. Depletion of the funds contained in the account shall not relieve
5 the declarant of his or her obligations under this section.

6 SECTION 7. Enforcement. The director is authorized to enforce the
7 provisions of this ordinance, and any rules and regulations promulgated
8 thereunder, pursuant to the enforcement and penalty provisions of the King
9 County Enforcement Ordinance, KCC Title 23. No provision contained in the
10 ordinance is intended to limit any private right of action against the
11 declarant which may be available to persons or classes of persons adversely
12 affected by the declarant's to comply with any provision of the ordinance,
13 the Condominium Act (RCW 64.34), the condominium declaration or by-laws, or
14 other applicable law.

15 SECTION 8. Authorization to Implement Procedures. The director is
16 authorized to promulgate and adopt administrative rules and regulations
17 under the procedures specified in KCC 2.98, for the purpose of implementing
18 and enforcing the provisions of this ordinance. Such rules and regulations
19 may include, but shall not be limited to, a procedure for checklists which
20 can be signed by the developer, purchaser or tenant, as appropriate, to
21 indicate that the various requirements of this ordinance have been met.

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SECTION 9. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

INTRODUCED AND READ for the first time this 2nd day of July, 1990.

PASSED this 13th day of August, 1990.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Lois North
Chairman

ATTEST

Gerald A. Poter
Clerk of the Council

APPROVED this 24th day of August, 1990.

Jim Hill
King County Executive