

ORDINANCE NO. 6421

AN ORDINANCE relating to the application of the condominium conversion ordinance to newly constructed condominium units; and amending Ordinance 4334, Section 2, and KCC 20.58.030.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4334, Section 2, and KCC 20.58.030, is hereby amended to read as follows:

Application. A. IN GENERAL. This chapter shall apply only to the conversion and sale of rental units that have not yet been converted to condominium apartments and to those units in converted buildings that are not yet subject to a binding purchase commitment or have not been sold on the effective date of this chapter; however, in the case of occupied units for which a declaration has been filed pursuant to RCW Chapter 64.32 and whose tenants have received notice of such declaration and of the developer's intent to sell prior to the effective date of this chapter, the notice requirements of Part II of this chapter shall be deemed fulfilled if the notices delivered to tenants and sub-tenants in possession are at least equal to those required in Part II. The provisions of this chapter shall not apply to a unit after it has been sold as a condominium apartment; provided, that the notice, relocation assistance and disclosures required by this chapter have been provided in relation to that unit. The consumer protection disclosures and rights provided by Part III of this chapter are intended at a minimum to protect prospective purchasers who are not developers. Part II of this chapter, Protection of Tenants, shall not apply to condominium apartments that are vacant on the effective date of this chapter and which have been offered for sale prior to that date; provided, that any tenant who takes possession of the apartment after such date shall

1 be provided the disclosures required by subsection B of this  
 2 section and shall be entitled to the benefits of that subsection  
 3 if the required disclosures are not given.

4 B. APPLICATION TO TENANTS. This chapter shall apply only to  
 5 those tenants who have received notice that their units may be  
 6 converted and/or who are in possession of rental units in con-  
 7 verted buildings at the time the notices, offers and disclosures  
 8 provided by this chapter are required to be delivered, including  
 9 tenants who have received an eviction notice under RCW 59.18.200  
 10 effective after the effective date of this chapter. This chapter  
 11 shall not apply to tenants who take possession of a unit vacated  
 12 by a tenant who has received the notices and other benefits pro-  
 13 vided by this chapter; provided, that developers shall disclose in  
 14 writing to all tenants who take possession after service of the  
 15 one-hundred-twenty-day notice required by this chapter that the  
 16 unit has been sold or will be offered for sale as a condominium  
 17 apartment. This disclosure shall be made prior to the execution  
 18 of any written rental agreement or prior to the tenant's taking  
 19 possession, whichever occurs earlier. A developer's failure to  
 20 disclose, within the time specified above, that the unit has been  
 21 sold or offered for sale shall entitle the tenant to all the  
 22 other protections and benefits of this chapter.

23 C. NEW CONDOMINIUM APARTMENTS. Newly constructed apartment  
 24 units for which a certificate of occupancy is issued subsequent to  
 25 the effective date of this chapter, and which have been declared  
 26 as condominiums prior to occupancy, shall be exempt from the pro-  
 27 visions of Part III of this chapter for a period of ((two-hundred  
 28 eighty-days)) three years from the date of first occupancy  
 29 (~~provided, that if any unit in such apartment is rented prior~~  
 30 ~~to sale, the developer or owner shall provide written notice to the~~  
 31  
 32  
 33


1 prospective-tenant,-in-a-form-approved-by-the-directer,-that-the  
 2 apartment-is-a-condominium-subject-to-future-sale)). Such newly  
 3 constructed units, if rented prior to sale, shall be exempt from  
 4 the provisions of K.C.C. 20.58.090 for a period of three years  
 5 from the date of first occupancy; provided that developers dis-  
 6 close in writing that the unit has been sold or will be offered  
 7 for sale as a condominium apartment. This disclosure must be  
 8 made prior to the execution of any written rental agreement or  
 9 prior to the tenant's taking possession, whichever occurs earlier.

10 SECTION 2. This ordinance shall apply retroactively.

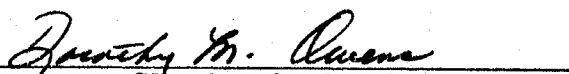
11 INTRODUCED AND READ for the first time this 28th day of  
 12 March, 19 83.

13 PASSED this 31st day of May, 19 83

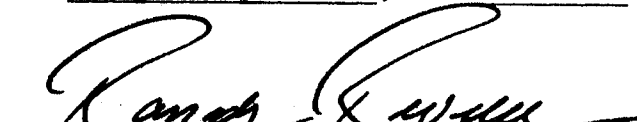
14 KING COUNTY COUNCIL  
 15 KING COUNTY, WASHINGTON

16   
 17 Chairman

18 ATTEST:

19  
 20   
 21 Clerk of the Council

22 APPROVED this 3rd day of June, 19 83.

23  
 24   
 25 King County Executive