

June 28, 1995

Introduced By: Chris Vance

Condo: CW

Proposed No.: 95-444

ORDINANCE NO. **11923**

AN ORDINANCE relating to condominium conversions; eliminating relocation assistance and escrow fund requirements and moving inspection requirement to title 16; adding new sections to K.C.C. 16.04; and repealing Ordinance 9587, Sections 2 through 9 and K.C.C. 20.58.010 through K.C.C 20 58.080, all as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is added to K.C.C. 16.04 a new section to

read as follows:

Definitions. For the purposes of this chapter, the following terms shall have the meanings set forth below:

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

B. "Condominium unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(D).

C. "Conversion condominium" means:

1. A condominium that, at any time before its creation, was lawfully occupied, wholly or partially, by a residential tenant pursuant to a rental agreement, oral or written, express or implied; or

1 2. A condominium that, at any time before the conveyance of or acceptance of
2 an agreement to convey any unit therein other than to a declarant or any affiliate of a
3 declarant, was lawfully occupied, wholly or partially, by a residential tenant of a declarant
4 or an affiliate of a declarant, and such tenant was not notified in writing prior to lawfully
5 occupying a unit or executing a rental agreement, whichever is first, that the unit was part
6 of condominium and subject to sale.

7 Conversion condominium shall not include a condominium in which, before
8 September 3, 1990, any unit therein had been conveyed or been made subject to an
9 agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

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

14 E. "Department" means the department of development and environmental
15 services of King County.

16 F. "Director" means the director of the department of development and
17 environmental services or his or her designee.

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

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

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

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

29 NEW SECTION. SECTION 2. There is added to K.C.C. 16.04 a new section to
30 read as follows:

1 Mandatory residential inspection of conversion condominium. A. The declarant
2 shall, at his or her expense, obtain an inspection of the premises subject to condominium
3 conversion by the department to insure compliance with the Uniform Housing Code and
4 other applicable codes and regulations as adopted by King County. Inspection shall be
5 made within forty-five days of a declarant's written request. A written residential
6 inspection report shall be issued by the department within fourteen days following
7 completion of the residential inspection.

8 B. Any public offering statement issued with respect to a conversion
9 condominium shall include a copy of the written residential inspection report by the
10 department.

11 C. Prior to the conveyance of any residential unit within a conversion
12 condominium, the declarant shall repair all violation disclosed in the residential inspection
13 report which are not waived by the department and shall obtain certification from the
14 department that such have been properly made. Certification of repairs by the department
15 shall be based upon a reinspection of the conversion condominium premises, to be
16 performed within seven days of the declarant's written request. Certification shall be
17 issued within seven days following reinspection if the property is then determined to be in
18 compliance.

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

25 "NEW SECTION. SECTION 3. Conversion Condominium Warranty of repairs and
26 escrow fund. A. The repairs required to be made in K.C.C. 16.04.xxx shall be warranted by
27 the declarant against defects due to workmanship or materials for a period of one year
28 following the completion of such repairs.

29 B. Prior to conveyance of any residential unit within a conversion condominium, the
30 declarant shall establish and maintain an account with a bank or other financial institution of

1 the declarant's choosing, containing a sum equal to ten percent of the actual cost of making
 2 repairs required in K.C.C. 16.04.xxx. During the one year warranty period, funds contained
 3 in the account shall be used exclusively for paying the actual cost of making repairs required,
 4 or for otherwise satisfying claims made under the warranty. The declarant shall by private
 5 action, in writing, notify the owners' association of the location of the account and of any
 6 disbursements therefrom. Following expiration of the warranty period, any funds remaining
 7 in the account shall be disbursed to the declarant.

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

10 D. The enforcement of the escrow and warranty provision shall be by private right of
 11 action and implementation and enforcement shall not be the responsibility of this department
 12 or of any county agency."

13 SECTION 4. Ordinance 9587, Sections 2 through 9 and K.C.C. 20.58.010 through
 14 K.C.C. 20.58.080 are each hereby repealed.

15 INTRODUCED AND READ for the first time this 19th day of
 16 June, 1995.

17 PASSED by a vote of 12 to 1 this 7th day of August,
 18 1995

19 KING COUNTY COUNCIL
 20 KING COUNTY, WASHINGTON

21 Kent Pullen
 22 Chair

23 ATTEST:

24 Donald A. Peterson
 25 Clerk of the Council

26 APPROVED this 15th day of August, 1995

27 Ray Locke
 28 King County Executive

29 Attachments: