

RCW 61.24.155 Unit owner delinquency—Housing counseling services—Duties of housing counselors. (Effective January 1, 2026, until January 1, 2028.) (1) A unit owner who is or may become delinquent to an association for an assessment charged may contact a housing counselor to receive housing counseling services.

(2) Housing counselors have a duty to act in good faith to assist unit owners by:

(a) Preparing the unit owner for meetings with the association;

(b) Advising the unit owner about what documents the unit owner must have to seek a repayment plan, modification, or other resolution of an assessment charged or that may be charged in the future by the association;

(c) Informing the unit owner about the alternatives to foreclosure, including a repayment plan, modification, or other possible resolution of an assessment charged or that may be charged in the future by the association; and

(d) Providing other guidance, advice, and education as the housing counselor considers necessary.

(3) Nothing in RCW 64.32.200, 64.34.364, 64.38.100, 64.90.485, or this section precludes a meeting or negotiations between the housing counselor, unit owner, and the association at any time, including after the issuance of a notice of delinquency by the association for past due assessments to the unit owner by the association.

(4) A unit owner who seeks the assistance of a housing counselor may use the assistance of an attorney at any time.

(5) (a) A housing counselor or attorney assisting a unit owner may refer the unit owner to mediation, pursuant to RCW 61.24.163.

(b) Prior to referring the unit owner to mediation, the housing counselor or attorney shall submit a written request to the association on behalf of the unit owner requesting that the unit owner and association meet and confer over the assessment charged.

(c) The meet and confer session should occur within 30 days of the housing counselor's or attorney's request to the association to meet and confer, or at a later date as otherwise agreed by the parties.

(d) During the meet and confer session, the participants must address the issues which led to the delinquency that may enable the unit owner and the association to reach a resolution including, but not limited to, a delinquent assessment payment plan, waiver of association imposed late fees or attorneys' fees, modification of a delinquent assessment, modification of late fees or charges associated with a delinquent assessment, or any other workout plan.

(e) The meet and confer session may be held by telephone or videoconference.

(f) For the meet and confer session, the unit owner and the association shall be responsible for their own respective attorneys' fees, if any are incurred. Legal representation is not required for either party participating in the meet and confer session.

(g) Following the meet and confer session, the housing counselor or attorney shall determine whether mediation is appropriate based on the individual circumstances.

(h) If the association refuses to participate in the meet and confer session within 30 days of the request, or otherwise fails to respond to the request within 30 days, then the unit owner may be referred to mediation pursuant to RCW 61.24.163.

(i) If the unit owner refuses to participate in the meet and confer session after it has been scheduled, then the housing counselor or attorney may not refer the matter to mediation; however, when a notice of trustee's sale has been recorded creating insufficient time to meet and confer, or where a judgment in foreclosure is pending and there is insufficient time to meet and confer, a unit owner may be referred to mediation regardless of whether the unit owner participates in a meet and confer session.

(6) During the time period between the date that the request to meet and confer is made and the date that the meet and confer session with the association is held, the association is prohibited from charging to the unit owner any attorneys' fees the association may have incurred attempting to collect the past due assessment.

(7) The referral to mediation may be made at any time after the meet and confer session occurs, after refusal to participate by the association, or after 30 days has [have] passed since the request was made with no response from the association, but no later than 90 days prior to the date of sale listed in a notice of trustee's sale provided to the unit owner, or for a judicial foreclosure, at any time prior to the entry of a judgment in foreclosure. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the unit owner may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale. Nothing in this section requires a delay or prohibits the referral of a unit owner to mediation once a notice of trustee's sale has been recorded or judicial foreclosure has been filed.

(8) Housing counselors providing assistance to unit owners under this section are not liable for civil damages resulting from any acts or omissions in providing assistance, unless the acts or omissions constitute gross negligence or willful or wanton misconduct.

(9) Housing counselors shall provide information to the department to assist the department in its annual report to the legislature as required under RCW 61.24.163(22). The information provided to the department by the housing counselors should include outcomes of foreclosures and be similar to the information requested in the national foreclosure mortgage counseling client level foreclosure outcomes report form. [2025 c 393 s 2.]

Effective dates—2025 c 393 ss 1-4, 5-7, and 11-14: See note following RCW 61.24.005.

Expiration date—2025 c 393 ss 1, 2, 4, 11-13, and 15-17: See note following RCW 61.24.005.