RCW 61.24.165 Application of RCW 61.24.163. ***(Effective until January 1, 2026.)*** (1) RCW 61.24.163 applies only to deeds of trust that are recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor;

(c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan. [2023 c 206 s 6; 2021 c 151 s 6; 2014 c 164 s 4; 2011 c 58 s 8.]

Effective date—2021 c 151 ss 1-4, 6-8, and 10: See note following RCW 61.24.005.

Findings—Intent—2021 c 151: See note following RCW 61.24.005.

Findings—Intent—Short title—2011 c 58: See notes following RCW 61.24.005.

RCW 61.24.165 Application of RCW 61.24.163. ***(Effective January 1, 2026, until January 1, 2028.)*** (1) Except as provided in subsection (3) of this section, RCW 61.24.163 applies only to deeds of trust that are recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor;

(c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 also applies to associations seeking to foreclose liens or deficiencies via nonjudicial or judicial foreclosure.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower or unit owner is deceased and the person is a successor in interest of the deceased borrower or unit owner. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower" or "unit owner." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower" or "unit owner." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan. [2025 c 393 s 4; 2023 c 206 s 6; 2021 c 151 s 6; 2014 c 164 s 4; 2011 c 58 s 8.]

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.

Effective date—2021 c 151 ss 1-4, 6-8, and 10: See note following RCW 61.24.005.

Findings—Intent—2021 c 151: See note following RCW 61.24.005.

Findings—Intent—Short title—2011 c 58: See notes following RCW 61.24.005.

RCW 61.24.165 Application of RCW 61.24.163. ***(Effective January 1, 2028.)*** (1) Except as provided in subsection (3) of this section, RCW 61.24.163 applies only to deeds of trust that are recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor;

(c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 also applies to associations seeking to foreclose liens or deficiencies via nonjudicial or judicial foreclosure.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower or unit owner is deceased and the person is a successor in interest of the deceased borrower or unit owner. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower" or "unit owner." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower" or "unit owner." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan. [2025 c 393 s 6; 2024 c 321 s 413; 2023 c 206 s 6; 2021 c 151 s 6; 2014 c 164 s 4; 2011 c 58 s 8.]

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

Effective dates—2024 c 321 ss 319 and 401-432: See note following RCW 64.90.485.

Effective date—2021 c 151 ss 1-4, 6-8, and 10: See note following RCW 61.24.005.

Findings—Intent—2021 c 151: See note following RCW 61.24.005.

Findings—Intent—Short title—2011 c 58: See notes following RCW 61.24.005.