

RCW 64.38.180 Heat pumps. (Effective until January 1, 2026.)

(1) (a) A homeowners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of a heat pump in compliance with the requirements of this section and for the personal use of an owner within the boundaries of a lot; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on heat pumps.

(c) This section must not be construed to permit installation by an owner of heat pump equipment on or in common areas without approval of the board of directors.

(2) A homeowners' association may require an owner to submit an application for approval for the installation of a heat pump before installing the heat pump.

(3) (a) If approval is required for the installation of a heat pump, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) An association may not assess or charge an owner a fee for the installation of a heat pump. An association may charge a reasonable fee for processing the application to approve the installation of a heat pump, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation of a heat pump, a homeowners' association must approve the installation if the installation is reasonably possible and the owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the heat pump;

(b) Engage a heating, ventilation, and air conditioning (HVAC) contractor familiar with the standards for the installation of heat pumps to assess the existing infrastructure necessary to support the proposed heat pump, identify additional infrastructure needs, and install the heat pump; and

(c) Comply with the requirements of this section.

(5) (a) An owner must obtain any permit or approval for a heat pump as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) A heat pump must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6) (a) Unless otherwise agreed to by written contract with the homeowners' association, an owner is responsible for the costs of installing a heat pump.

(b) Heat pump equipment that is installed at the owner's cost and is removable without damage to the property owned by others may be removed at the owner's cost.

(7) The owner and each successive owner of the heat pump is responsible for:

(a) Costs for the maintenance, repair, and replacement of the heat pump up until the heat pump is removed;

(b) Costs for damage to the heat pump, any unit, common area, or limited common area resulting from the installation, use, maintenance, repair, removal, or replacement of the heat pump;

(c) If the owner decides to remove the heat pump, costs for the removal and the restoration of the common areas or limited common areas after the removal; and

(d) Removing heat pump equipment if reasonably necessary for the repair, maintenance, or replacement of the common area or limited common area.

(8) (a) A homeowners' association that willfully violates this section is liable to the owner for actual damages, and shall pay a civil penalty to the owner in an amount not to exceed \$1,000.

(b) In any action by an owner requesting to have a heat pump installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing owner.

(9) For the purposes of this section:

(a) "Heat pump" means a heating or refrigerating system used to transfer heat. The heat pump condenser and evaporator may change roles to transfer heat in either direction. By receiving the flow of air or other fluid, a heat pump is used to cool or heat.

(b) "Reasonable restriction" means a restriction that does not significantly increase the cost of a heat pump or significantly decrease its efficiency or specified performance. [2024 c 128 s 3.]

Contingent expiration date—2024 c 128 ss 1-3: See note following RCW 64.32.350.