

RCW 64.90.015 No variation by agreement. (1) Except as expressly provided in this chapter, the effect of the provisions of this chapter may not be varied by agreement, and rights conferred by this chapter may not be waived. Except as provided otherwise in RCW 64.90.110, a declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the declaration.

(2) Except as provided in subsection (3) of this section, the governing documents may not vary a provision of this chapter that gives a right to or imposes an obligation or liability on a unit owner, declarant, association, or board.

(3) The governing documents may vary the following provisions as provided in the provision:

(a) RCW 64.90.020(1), concerning classification of a cooperative unit as real estate or personal property;

(b) RCW 64.90.030 (2) and (3), concerning reallocation of allocated interests and allocation of proceeds after a taking by eminent domain;

(c) RCW 64.90.360(4), 64.90.370, and 64.90.100, concerning elections regarding applicability of this chapter;

(d) RCW 64.90.100 (1), (2), and (3), concerning communities restricted to nonresidential uses;

(e) RCW 64.90.200(3) (a) and (b), concerning the timing of the conveyance of common elements to the association, and the vesting of real estate owned by the association on termination;

(f) RCW 64.90.210, concerning boundaries between units and common elements;

(g) RCW 64.90.240 (2) and (3), concerning reallocation of limited common elements;

(h) RCW 64.90.245(11), concerning horizontal boundaries of units;

(i) RCW 64.90.255, concerning alterations of units and common elements made by unit owners;

(j) RCW 64.90.260 (1) and (2), concerning relocation of boundaries between units;

(k) RCW 64.90.265 (1) and (2), concerning subdivision and combination of units;

(l) RCW 64.90.275, concerning sales offices, management offices, models, and signs maintained by a declarant;

(m) RCW 64.90.280 (1) and (3), concerning easements through, and rights to use, common elements;

(n) RCW 64.90.285 (1) and (8), concerning the percentage of votes and consents required to amend the declaration;

(o) RCW 64.90.290 (1) and (8), concerning the percentage of votes required to terminate a common interest community and priority of creditors of a cooperative;

(p) RCW 64.90.360(4) (a), concerning small communities;

(q) RCW 64.90.405 (4) (c) and (5) (c), concerning an association's assignment of rights to future income, the number of votes required to reject a proposal to borrow funds, and the right to terminate a lease or evict a tenant;

(r) RCW 64.90.410 (1) and (2), concerning the board acting on behalf of the association and the election of officers by the board;

(s) RCW 64.90.420(2), concerning costs of audits;

(t) RCW 64.90.435(1) (b), concerning election of officers by unit owners;

(u) RCW 64.90.440 (1) and (4), concerning responsibility for maintenance, repair, and replacement of units and common elements and

treatment of income or proceeds from real estate subject to development rights;

(v) RCW 64.90.445 (1)(b) and (2)(i), concerning meetings;

(w) RCW 64.90.450, concerning quorum requirements for meetings;

(x) RCW 64.90.455 (3), (4), (5), and (8), concerning unit owner voting;

(y) RCW 64.90.465 (1), (2), and (7), concerning the percentage of votes required to convey or encumber common elements and the effect of conveyance or encumbrance of common elements;

(z) RCW 64.90.470 (2) and (11), concerning insurance where the units are attached, and insurance for a nonresidential common interest community;

(aa) RCW 64.90.475(2), concerning payment of surplus funds of the association;

(bb) RCW 64.90.485 (7) and (20), concerning priority and foreclosure of liens held by two or more associations;

(cc) RCW 64.90.505 (1) and (3), concerning the adoption of rules;

(dd) RCW 64.90.513(8), concerning responsibility for electric vehicle charging stations;

(ee) RCW 64.90.520(4), concerning the board's ability to remove an officer elected by the board;

(ff) RCW 64.90.525(1), concerning the percentage of votes required to reject a budget;

(gg) RCW 64.90.545(2), concerning applicability of reserve study requirements to certain types of common interest communities; and

(hh) RCW 64.90.580(7), concerning responsibility for heat pumps.

[2025 c 119 s 7; 2018 c 277 s 103.]