

Washington Uniform Common Interest Ownership Act (WUCIOA) Cheat Sheet

Key Context & Timeline

- **Background:** Prior law (SB 5796 from 2024) set full WUCIOA application to all CICs on Jan 1, 2028, repealing older acts (RCW 64.32, 64.34, 64.38). SB 5129 accelerates select provisions to Jan 1, 2026, adds/modifies rules, and raises exemptions for small communities.
- **Exemptions (Expanded):** Communities with ≤ 50 units AND annual assessments $\leq \$1,000$ per unit gain broader exemptions from most WUCIOA rules (up from prior 12 units/\$300 threshold). Check portfolios for eligibility.
- **Full Rollout:** Jan 1, 2028 — WUCIOA governs nearly everything; older governing documents may need restatement/amendment to avoid conflicts.

1. Board & Committee Meetings (Most Significant 2026 Change – RCW 64.90.445, as amended)

Applies to all boards/committees (including pre-WUCIOA communities).

- **Open Meetings Requirement:** All regular/special board and committee meetings must be open to unit owners (except executive sessions for permitted topics: personnel, litigation, contracts, violations, medical/privacy issues).
- **Mandatory Owner Comment Period:** Every board meeting must begin with at least 15 minutes for owner comments/questions. Boards may set reasonable time limits per speaker (e.g., 2-3 minutes) and rules (no interruptions, relevance to agenda).
- **Advance Materials Disclosure:** Any written/electronic materials distributed to board members before the meeting must be made reasonably available to owners (e.g., posted on portal, emailed, or provided at meeting). Exception: unapproved minutes or executive session materials.
- **Remote/Hybrid Participation Allowed:** Boards may conduct meetings via phone, video, or electronic means (even if bylaws prohibit it). All participants must be able to hear each other; fewer than all members can participate remotely.
- **Emergency/Unforeseen Meetings:** Notice reduced to 7 days (via electronic means to known contacts) if event couldn't be foreseen and standard 14-day notice is impracticable.
- **Voting Rules:** No email, proxy, or secret ballots for board decisions — votes must be verbal/roll call in open session (unless governing docs allow otherwise in limited cases).

- **Annual Meeting:** Must occur at least once per year; failure doesn't forfeit status.

Action Items:

- Revise agendas to include fixed 15-min comment block at start.
- Update bylaws if they conflict with remote/hybrid or open rules (owner vote may be needed).
- Train boards/managers on facilitation, reasonableness standards, and no email voting.
- Use reliable platforms (e.g., Teams/Zoom) for recording/access; ensure materials are uploaded promptly.

2. Electric Vehicle Charging Stations (EVCS) & Heat Pumps (RCW 64.90.513 & related)

- **Prohibitions Restricted:** Associations cannot adopt/enforce rules prohibiting or unreasonably restricting EVCS installation/use in unit boundaries, limited common elements, or designated parking areas. Same for heat pumps/air-source heat pumps in unit boundaries.
- **Detached Unit Nuance:** For detached/single-family units, restrictions allowed if equipment is not visible from outside/common areas (e.g., no visible rooftop solar panels or heat pumps).
- **Reasonable Standards Permitted:** Associations can impose safety, architectural, location, screening, permitting, insurance, maintenance, and cost-allocation rules (e.g., owner pays for electricity, repairs damage).
- **Effective:** Jan 1, 2026.

Action Items:

- Audit current rules/bylaws for blanket bans or overly restrictive language — amend if needed.
- Create/update architectural review process for EV/heat pump requests (timelines, forms, criteria).
- Educate owners/boards on rights vs. reasonable restrictions.

3. Payment of Assessments & Collections (RCW 64.90.480 & related)

- **Payment Methods:** Must accept reasonable methods (e.g., electronic ACH, credit card, online portal) — cannot limit to check/cash if modern options are feasible.
- **Utility Pass-Through:** Associations may bill utility costs (e.g., water, sewer) at provider rates when treated as common expenses (no markup prohibition specified).
- **Other Collection Notes:** Aligns with broader WUCIOA delinquency processes (liens, foreclosure limits); addresses prior inconsistencies.

Action Items:

- Update collection policies, notices, and portal to support electronic payments.
- Use attorney-vetted templates for delinquency letters to ensure 2026 compliance.

4. Emergencies & Government-Declared Disasters (RCW 64.90.435 & expanded)

- **Board Authority:** During declared emergencies (e.g., wildfire, flood, pandemic), boards gain enhanced powers: emergency spending, contract actions, rule suspensions, without full owner vote (subject to reasonableness and documentation).
- **Effective:** Jan 1, 2026.

Action Items:

- Add emergency protocols to board manual/onboarding (e.g., who declares, spending caps, post-event reporting).

5. Reserve Accounts & Financials (RCW 64.90.530, 64.90.535 as amended)

- **Investment/Accounts:** Reserve funds must be held in interest-bearing accounts at U.S. financial institutions, titled solely in association's name (board-managed).
- **Other:** Reinforces study requirements, but full reserve mandates phase in later.

Action Items:

- Confirm reserve accounts meet titling/interest rules; adjust if commingled.

Quick Reference Table: 2026 vs. 2028 Changes

Category	Effective Jan 1, 2026 (SB 5129)	Full WUCIOA (Jan 1, 2028)
Meetings/Openness	Yes (open, 15-min comment, remote allowed)	Yes + full governance/voting rules
EVCS & Heat Pumps	Yes (no unreasonable restrictions)	Yes
Payment Flexibility	Yes	Yes
Emergency Powers	Yes	Yes
Reserves/Insurance	Partial (accounts, investment)	Full (studies, funding levels)
Governing Docs Repeal	No	Yes (old statutes repealed)

Resources:

- Full Session Law: <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/Senate/5129-S.SL.pdf>
- RCW 64.90 (updated): <https://app.leg.wa.gov/RCW/default.aspx?cite=64.90>
- CAI-WA / WSCAI guides: <https://www.wscAI.org>