

This summary is provided for informational purposes only and is intended to highlight certain recent legislative developments. It does not constitute legal advice, nor is it intended to be a comprehensive summary of the matters discussed. We encourage our clients to consult with our office to obtain advice with respect to the impact these laws will have on a particular issue or circumstance.

SENATE BILL 5686 – FORECLOSURE MEDIATION PROGRAM

SUMMARY

(LAWS OF 2025, chapter 393)
Effective January 1, 2026

Notice of Delinquency/Preforeclosure Notice

- Must be sent not later than 30 days after an assessment becomes past due.
- Must be sent to:
 - The unit/lot address;
 - Any other mailing addresses provided by the owner for notice purposes; and
 - Any email addresses of the owner known to the Association.
- Must be provided in English and any other language indicated as a preference for correspondence by an owner.
- Until 15 days after the required notice is provided:
 - No other action to collect delinquent assessments can take place;
 - The only charges that can be assessed related to the collection of the delinquent assessment are:
 - The actual costs of printing and mailing the notice of delinquency;
 - An administrative fee of no more than \$10 for providing the notice of delinquency; and
 - A single late fee of not more than \$50 or 5% of the assessment amount, whichever is less.

Meet and Confer (Pre-Mediation) Requirement

- Owner may contact a housing counselor for assistance with delinquent assessments.
- Housing counselor or owner's attorney may request that the parties "meet and confer" at any time prior to entry of a judgment.
- Unless the parties agree otherwise, the meet and confer session should take place within 30 days of the request.
- The meet and confer session may be held by telephone or videoconference.
- 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:
 - Payment plan;
 - Waiver of late fees or attorneys' fees;
 - Modification of delinquent assessments;
 - Modification of late fees or charges associated with the delinquent assessments; or
 - Any other workout plan.
- Cannot assess the owner any attorney fees incurred between the date the request to meet and confer is made and the date of the meet and confer session.
- Cannot assess the owner any attorney fees related to the meet and confer session.
- After the meet and confer session, the housing counselor or owner's attorney may refer an owner to mediation.

Mediation

- Unless the parties agree otherwise, mediation must be scheduled within 70 days of the referral for mediation.
- Any action to foreclose is limited while mediation is pending or until after notice of cancellation or completion of mediation is issued (or ten days after certification is due if not issued).
- The mediation must take place in the county where the property is located, but the participants may be present by telephone or by videoconference.
- May be requested at any time prior to entry of a judgment.
- Person with authority to agree to resolution on behalf of the Association must attend in person or by videoconference.
- Documents that the Association must provide:
 - Itemized ledger of all amounts due;

- Copies of any liens placed against the property; and
 - Copies of the Association's declaration, bylaws, and any other governing documents.
- Documents that the owner must provide:
 - Evidence of any payments to the Association not credited;
 - Statement of hardship, if applicable; and
 - Proposed schedule of payments, if the owner is interested in a payment plan.
- In addition to the topics that must be discussed during the "meet and confer" session (see above), if there is a pending association foreclosure the parties must address the issues which led to foreclosure.
- Cannot assess the owner any attorney fees related to the mediation.
- The mediator must send written notification of completion mediation within seven business days of completion of the mediation.
- A determination by the mediator that the Association did not act in good faith may be a defense to a pending foreclosure action.

SENATE BILL 5129 – WUCIOA FOR ALL

SUMMARY

(LAWS OF 2025, chapter 119)
Effective January 1, 2026

Open Meetings

- Board meetings must be open to owners.
- Board can only meet in executive session (i.e., closed session) to:
 - Consult with the Association's attorney concerning legal matters;
 - Discuss existing or potential litigation;
 - Discuss labor or personnel matters;
 - Discuss certain contracts, leases and other commercial transactions; or
 - Prevent public knowledge of a matter that would violate the privacy of any person.
- Board must close the executive session and vote in open meeting.

Written Consent

- Only ministerial actions and actions subject to ratification by owners may be adopted by the board by unanimous written consent outside of a meeting.

Notice Requirements (for Board, Owner, and Committees of the Board Meetings)

- General rule is notice must be provided not less than 14 days prior to the meeting (and no more than 50 days prior to an owners' meeting).
- Notice must include the meeting's agenda unless notice is included in a schedule given to owners.
- Exceptions to the 14-day notice requirement:
 - Only seven days' notice is required for "an event or condition that could not have been reasonably foreseen and for which it is impracticable to provide [14 days' notice]..."
 - For an "emergency," which includes an event or condition or a state of emergency declared by a government for an area that includes the association that constitutes an imminent:
 - Threat to the health or safety of the public or residents of the association;
 - Threat to the habitability of units/lots; or
 - Risk of substantial economic loss to the association.
 - The board may call a board meeting to respond to an emergency by giving notice to owners and board members in a manner that is practicable and appropriate under the circumstances.
 - A quorum is not required for an "emergency" meeting.
 - In an "emergency," the board may without regard to limitations in the governing documents, take action it considers necessary as a result of the emergency to protect the interests of the owners, acting in a manner reasonable under the circumstances.
 - The board may use funds of the association, including reserves, to pay for the reasonable costs of an action during an emergency. However, after taking action during an "emergency," the board must promptly notify the owners of the action taken.
- Any materials distributed to the board before a board meeting must be made reasonably available to owners, except for unapproved minutes, materials to be considered in executive session, or otherwise prohibited from being provided to owners.

Meeting Procedure

- During board meetings, the board must provide at least 15 minutes at the beginning of each meeting for owners to comment about agenda items before the board votes.
 - The board may place reasonable time restrictions of not less than 90 seconds per owner per unit, except the time may be reduced and allocated equally if more than 10 owners wish to comment.
- During owner meetings, the board must provide owners with a reasonable opportunity to comment regarding any matter affecting the association.

- Meetings may be held by telephonic, video, or other conferencing process if certain requirements are met, including the option to participate by telephone.

Official Committees of the Board

- Must have at least two board members.
- Only board members can have voting power.

Challenges to Board Actions

- Board actions are valid unless set aside by a court.
- Owners can challenge a board action for failing to follow RCW 64.90.445 not more than 90 days after:
 - The minutes of the board meeting at which the action is taken are approved; and
 - A record of that action is distributed to owners.

Assessment Payment Options

- Associations must provide at least one method of payment at no charge.