



2024 LEGISLATIVE SESSION

Heat Pump Legislation

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The weather in the state of Washington over the last few years, particularly the Seattle area, has been jarring for many Washingtonians. For example, June 28, 2021, was the hottest day in Seattle history at 108 degrees.¹ Moreover, as of 2021, only 53% of Seattle area homes had air conditioning.² To address this, more homeowners are now installing HVAC systems, (conventional or with heat pumps), in their homes to provide both heating and cooling relief in response to more extreme weather.

One issue that arose from this increase in HVAC unit installation is that some owners who installed HVAC units with heat pumps faced compliance issues with their community associations. In other words, heat pump installation may have violated their governing documents. This was brought to the attention of

Senator Marko Laias, one of the sponsors of Senate Bill (SB) 5973 ('Heat Pump Bill'), which allows heat pump installation in community associations subject to certain requirements.

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What is a Heat Pump?

As defined by the bill, "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.

Unreasonable Restrictions

A community association **may not adopt or enforce** a restriction, covenant, condition, bylaw, rule, regulation provision of a governing document, or master deed provision **that effectively prohibits or unreasonably restricts** the installation or use of a heat pump in compliance with the requirements of the proposed bill and

¹ www.historylink.org/File/21266

² www.seattletimes.com/seattle-news/data/seattle-is-no-longer-the-least-air-conditioned-major-metro-area

for the personal use of an owner within the boundaries of a lot or unit (emphasis mine).

A "reasonable restriction" means a restriction that does not significantly increase the cost of a heat pump or significantly decrease its efficiency or specified performance.

A restriction may not significantly increase the cost of a heat pump or decrease its efficient performance.



Application Process

 The Heat Pump Bill expressly provides that an association may require an owner to submit an application for approval for the installation of a heat pump before installation. The application for approval must be processed and approved in the same manner as an application for approval of an architectural modification subject to the following requirements:

- ▶ The approval or denial of an application must be in writing and must not be willfully avoided or delayed;
- ▶ 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; and
- ▶ The association may not assess or charge an apartment 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.

Approval or denial of an application must be in writing and must not be willfully avoided or delayed.



Application Standards

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

- ▶ Comply with the association's reasonable architectural standards applicable to the installation of the heat pump;
- ▶ 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
- ▶ Comply with all other requirements of the Heat Pump Bill.

Cost Allocation, Liability & Responsibility

Unless otherwise agreed to by written contract with the association, an owner is responsible for the costs of installing a heat pump. The owner also bears the cost of heat pump removal without damaging any other property in the community.

- ▶ Costs for the maintenance, repair, and replacement of the heat pump up until the heat pump is removed;
- ▶ Costs for damage to the heat pump, any lot/unit, common area, or limited common area resulting from the installation, use, maintenance, repair, removal, or replacement of the heat pump;
- ▶ If the owner decides to remove the heat pump, costs for the removal and the restoration of the common area or limited common area after the removal;
- ▶ Removing heat pump equipment if reasonably necessary for the repair, maintenance, or replacement of the common area or limited common area.

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Penalties for Violation of the Heat Pump Bill

An association that willfully violates the Heat Pump Bill is liable to the owner for actual damages, and shall pay a civil penalty to the owner in an amount up to \$1,000. Owners that prevail in court when seeking to have a heat pump installed through enforcement of the Heat Pump Bill are also entitled to reasonable attorneys' fees and costs.

Local and National Standards: An owner must obtain any permit or approval for a heat pump as required by the local government and comply with all relevant building codes and safety standards. Furthermore, the 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.

Senate Bill 5973 Signed into Law

The 2024 legislative session saw this bill passed and signed into law, set to become effective June 6, 2024. Soon, Washingtonians will reside more comfortably in their homes, less affected by the weather, thanks to this legislation. 