



Planning Services

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[KentWA.gov/PermitCenter](https://kentwa.gov/PermitCenter)

Condominium Process for Accessory Dwelling Units (ADUs)

Condominiums vs. Subdivisions

A condominium, often referred to as a “condo,” is a type of real estate ownership where individual units within a larger development are owned separately, while common areas and facilities are jointly owned by all unit owners.

Condominiums are typically thought of as multifamily style buildings with separate owners for each unit and shared responsibility for the building / property as a whole. However, condominium ownership can apply to several types of development. Recently, condominium conversions have been applied to developments in lower density (single family) zones that include multiple units, such as accessory dwelling units (ADUs). This promotes housing ownership opportunities by allowing the property owner to sell ADUs separately from the primary home. Kent City Code ([KCC 15.08.350.11](#)) allows for ADUs and primary dwellings to be designated for separate ownership.

The advantage of condominiums is that they can be created much faster and cheaper than a subdivision. There are a few differences that are important to note; mainly that condominiums do not divide a property into new tax parcels. Rather, it allows for separate ownership of units on a single tax parcel while the underlying lot maintains its shape and size and all owners share in the management and ownership responsibility of the common areas.

Subdivisions in Kent are regulated under [Title 12](#) of the City of Kent. Condominiums are governed by the Washington Condominium Act ([RCW 64.34](#)) and processed by the King County Assessor’s Office.

Process

1. The first step of the process is to apply for building permits and develop the property. You cannot create a condominium before the separate units are built.
 - In Kent you can construct up to two ADUs on most single family lots. They can be either be attached to the primary home, detached, or one of each.
 - ADUs can have a maximum of 1,000 sf of living area.
 - Learn more at [Engage.KentWA.gov/ADU](https://engage.kentwa.gov/ADU).

- You can apply for an [ADU permit](#) at <https://permitportal.kentwa.gov/>.
2. After the ADU is constructed, the next step is to set up the condominium. The process of creating a condominium involves complex legal requirements and regulations that vary by location and specific circumstances. It is highly recommended that you consult with a qualified real estate attorney or legal professional experienced in Washington State condominium law to obtain advice tailored to your specific situation. Generally, you will need to submit the following documents to the King County Assessor:
 - A surveyed map of the property prepared by a licensed surveyor.
 - Documents required for the condominium, like the HOA creation, Declaration stating property use restrictions, maintenance obligations, etc. prepared by a land use lawyer.
 3. Depending on circumstances, you may need to establish a homeowner’s association and pursue other implementation efforts. The attorney or legal professional should be able to advise on the necessary steps. Once these items are recorded at the King County Assessor’s Office then it is possible to sell ADUs for separate ownership. Ongoing management and collaboration between owners will be required to ensure the smooth operation of the condominium and compliance with all legal obligations.

Useful Resources

- [RCW 64.90](#) - Washington Uniform Common Interest Ownership Act.
- Washington State BAR webpage to find land use lawyers ([REAL ESTATE LAW \(kcba.org\)](https://www.kcoba.org)).
- [KCC 15.08.350](#) on regulations for Accessory Dwelling Units.

This handout is intended to provide general information about condominiums, it is not intended as, nor should it be considered, legal advice. Reliance on this document without seeking professional legal advice may result in errors or omissions that could have legal or financial consequences.