

---

HOUSE BILL 1581

---

State of Washington

58th Legislature

2003 Regular Session

By Representatives Gombosky, Wood, Ahern and Sullivan

Read first time 01/31/2003. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to parking and business improvement areas; and  
2 amending RCW 35.87A.010, 35.87A.020, 35.87A.030, 35.87A.040, and  
3 35.87A.180.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35.87A.010 and 2000 c 201 s 1 are each amended to read  
6 as follows:

7 To aid general economic development and neighborhood  
8 revitalization, and to facilitate the cooperation of merchants,  
9 businesses, and residential property owners which assists trade,  
10 economic viability, and liveability, the legislature hereby authorizes  
11 all counties and all incorporated cities and towns, including  
12 unclassified cities and towns operating under special charters:

13 (1) To establish(~~(, after a petition submitted by the operators~~  
14 ~~responsible for sixty percent of the assessments by businesses and~~  
15 ~~multifamily residential or mixed use projects within the area,)~~)  
16 parking and business improvement areas(~~(, hereafter referred to as area~~  
17 ~~or areas,)~~) for the following purposes:

18 (a) The acquisition, construction or maintenance of parking  
19 facilities for the benefit of the area;

1 (b) Decoration of any public place in the area;

2 (c) Sponsorship or promotion of public events which are to take  
3 place on or in public places in the area;

4 (d) Furnishing of music in any public place in the area;

5 (e) Providing professional management, planning, and promotion for  
6 the area, including the management and promotion of retail trade  
7 activities in the area; or

8 (f) Providing maintenance and security for common, public areas.

9 (2) To levy special assessments on all businesses and multifamily  
10 residential or mixed-use projects within the area and specially  
11 benefited by a parking and business improvement area to pay in whole or  
12 in part the damages or costs incurred therein as provided in this  
13 chapter.

14 **Sec. 2.** RCW 35.87A.020 and 1993 c 429 s 2 are each amended to read  
15 as follows:

16 Unless the context clearly requires otherwise, the definitions in  
17 this section apply throughout this chapter.

18 (1) "Area" means a parking and business improvement area.

19 (2) "Business" means all types of business, including professions.

20 ~~((+2))~~ (3) "Legislative authority" means the legislative authority  
21 of any city or town including unclassified cities or towns operating  
22 under special charters or the legislative authority of any county.

23 ~~((+3))~~ (4) "Multifamily residential or mixed-use project" means  
24 any building or buildings containing four or more residential units or  
25 a combination of residential and commercial units, whether title to the  
26 entire property is held in single or undivided ownership or title to  
27 individual units is held by owners who also, directly or indirectly  
28 through an association, own real property in common with the other unit  
29 owners.

30 ~~((+4))~~ (5) "Residential operator" means the owner or operator of  
31 a multifamily residential or mixed-use project if title is held in  
32 single or undivided ownership, or, if title is held in a form of common  
33 interest ownership, the association of unit owners, condominium  
34 association, homeowners' association, property owners' association, or  
35 residential cooperative corporation.

1       **Sec. 3.** RCW 35.87A.030 and 1993 c 429 s 3 are each amended to read  
2 as follows:

3       For the purpose of establishing a parking and business improvement  
4 area, an initiation petition may be presented to the legislative  
5 authority having jurisdiction of the area in which the proposed parking  
6 and business improvement area is to be located (~~((or the legislative  
7 authority may by resolution initiate a parking and business improvement  
8 area))~~). The initiation petition (~~((or resolution))~~) shall contain the  
9 following:

10       (1) A description of the boundaries of the proposed area;

11       (2) The proposed uses and projects to which the proposed special  
12 assessment revenues shall be put and the total estimated cost thereof;

13       (3) The estimated rate of levy of special assessment with a  
14 proposed breakdown by class of business and multifamily residential or  
15 mixed-use project if such classification is to be used(~~((~~

16       ~~The initiating petition shall also contain))~~; and

17       (4) The signatures of the persons who operate businesses and  
18 residential operators in the proposed area which would pay fifty  
19 percent of the proposed special assessments.

20       This section shall not be construed as prohibiting the legislative  
21 authority from initiating the formation of an area by adopting a  
22 resolution of intention to do so pursuant to RCW 35.87A.040.

23       **Sec. 4.** RCW 35.87A.040 and 1971 ex.s. c 45 s 4 are each amended to  
24 read as follows:

25       The legislative authority shall, after receiving a valid initiation  
26 petition (~~((or after passage of an initiation resolution, shall))~~), or  
27 may, upon its own motion, adopt a resolution of intention to establish  
28 an area. The resolution shall state:

29       (1) The time and place of a hearing to be held by the legislative  
30 authority to consider establishment of an area and ((shall restate all  
31 the information contained in the initiation petition or initiation  
32 resolution regarding boundaries, projects and uses, and estimated rates  
33 of assessment)) the rate or rates of levy of special assessments within  
34 the proposed area;

35       (2) A description of boundaries of the proposed area;

36       (3) The proposed uses and projects to which the proposed special

1 assessment revenues shall be dedicated and the total estimated cost;  
2 and

3 (4) The estimated rate or rates of levy of special assessment with  
4 a proposed breakdown by class of business and multifamily residential  
5 or mixed-use project if such classification is to be used.

6 **Sec. 5.** RCW 35.87A.180 and 1971 ex.s. c 45 s 18 are each amended  
7 to read as follows:

8 The legislative authority may disestablish an area by ordinance  
9 after a hearing before the legislative authority. The legislative  
10 authority shall adopt a resolution of intention to disestablish the  
11 area at least fifteen days prior to the hearing required by this  
12 section. The resolution shall give the time and place of the hearing.  
13 Notwithstanding the foregoing, no area shall be disestablished prior to  
14 the time the businesses have received special benefits for which  
15 special assessments have been collected pursuant to RCW 35.87A.130.

--- END ---