
HOUSE BILL 3150

State of Washington 58th Legislature 2004 Regular Session

By Representatives Cody, McDermott, Pettigrew, Voloria, Santos, Dickerson, Chase, Skinner and Hudgins

Read first time 01/29/2004. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to the Americans with Disabilities Act, Section 504
2 of the Rehabilitation Act of 1973, and the Fair Housing Act Amendments
3 guidelines for compliance in construction, rehabilitation, and
4 substantial alteration of buildings using public funding from any
5 source; amending RCW 43.185.060; and adding a new section to chapter
6 43.185 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.185 RCW
9 to read as follows:

10 The legislature finds that:

11 (1) The Americans with Disabilities Act, Section 504 of the
12 Rehabilitation Act of 1973, and the Fair Housing Act Amendments
13 guidelines were established to ensure adequate accommodations to people
14 with disabilities.

15 (2) Various agencies have differing standards, procedures, and
16 conditions for meeting fair housing guidelines, depending on factors as
17 diverse as building type and funding sources.

18 (3) All of the guidelines include exemptions for certain building
19 types and circumstances.

1 (4) It is in the interest of the people that their public moneys be
2 used for its best and highest good.

3 (5) The state of Washington must not allow public moneys to be
4 applied to projects that are nonaccommodation compliant, regardless of
5 building type or circumstances.

6 **Sec. 2.** RCW 43.185.060 and 1994 c 160 s 2 are each amended to read
7 as follows:

8 (1) Organizations that may receive assistance from the department
9 under this chapter are local governments, local housing authorities,
10 regional support networks established under chapter 71.24 RCW,
11 nonprofit community or neighborhood-based organizations, federally
12 recognized Indian tribes in the state of Washington, and regional or
13 statewide nonprofit housing assistance organizations.

14 (2) Eligibility for assistance from the department under this
15 chapter also requires compliance with the revenue and taxation laws, as
16 applicable to the recipient, at the time the grant is made.

17 (3) Further, eligibility for assistance from the department under
18 this chapter requires that any construction, rehabilitation, or
19 substantial alteration of buildings using public moneys for any phase,
20 part, or process of the construction, rehabilitation, or substantial
21 alteration adhere to each and all of the following guidelines as to the
22 number, kind, and type of accessible units required by the guidelines,
23 regardless of any exemptions or exceptions to the guidelines available
24 by building type or circumstances.

25 (a) All covered dwellings consisting of three or more units shall
26 comply with the Section 504 requirements for publicly financed new
27 construction of five or more units in a project.

28 (b) All covered dwellings consisting of three or more units that
29 apply shall comply with the Section 504 requirements for publicly
30 financed alterations of fifteen or more units and seventy-five percent
31 or more of the dwelling replacement cost.

32 (c) All covered dwellings consisting of three or more units that
33 apply shall comply with the Section 504 requirements for publicly
34 financed alterations of fifteen or more units and less than seventy-
35 five percent of the dwelling replacement cost.

36 Any attempt by a publicly funded builder to circumvent the
37 requirement in this subsection by separately permitting multiple two-

1 unit dwellings on the same or contiguous properties, or in any other
2 fashion, shall be grounds to have the funding revoked, in addition to
3 any other remedies available by law.

4 (4) For the purposes of this section, "covered dwelling" means any
5 building containing three or more living units.

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