

HB 2971 - H AMD 724

By Representative McBride

ADOPTED 02/16/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 64.06.080 and 2015 2nd sp.s. c 10 s 4 are each
4 amended to read as follows:

5 (1) Any ordinance, resolution, or policy adopted by a city or
6 county that imposes a requirement on landlords or sellers of real
7 property, or their agents, to provide information to a buyer or
8 tenant pertaining to the subject property or the surrounding area is
9 effective only after:

10 (a) A summary of the ordinance, resolution, or policy is posted
11 electronically in accordance with RCW 43.110.030(2)(e); and

12 (b) An internet link to the ordinance, resolution, or policy, or
13 the relevant portion of the actual language of the ordinance,
14 resolution, or policy, is posted electronically in accordance with
15 RCW 43.110.030(2)(e).

16 (2) If, prior to September 26, 2015, a city or county adopted an
17 ordinance, resolution, or policy that imposes a requirement on
18 landlords or sellers of real property, or their agents, to provide
19 information to a buyer or tenant pertaining to the subject property
20 or the surrounding area, the city or county must cause, within ninety
21 days of September 26, 2015:

22 (a) A summary of the ordinance, resolution, or policy to be
23 posted electronically in accordance with RCW 43.110.030(2)(e); and

24 (b) An internet link to the ordinance, resolution, or policy, or
25 the relevant portion of the actual language of the ordinance,
26 resolution, or policy, to be posted electronically in accordance with
27 RCW 43.110.030(2)(e) (~~within ninety days of September 26, 2015, or~~
28 ~~the requirement shall~~)). If the requirement is not electronically
29 posted as required by this subsection, the requirement must
30 thereafter cease to be in effect.

1 **Sec. 2.** RCW 43.110.030 and 2015 2nd sp.s. c 10 s 5 are each
2 amended to read as follows:

3 (1) The department of commerce must contract for the provision of
4 municipal research and services to cities, towns, and counties.
5 Contracts for municipal research and services must be made with state
6 agencies, educational institutions, or private consulting firms, that
7 in the judgment of the department are qualified to provide such
8 research and services. Contracts for staff support may be made with
9 state agencies, educational institutions, or private consulting firms
10 that in the judgment of the department are qualified to provide such
11 support.

12 (2) Municipal research and services consists of:

13 (a) Studying and researching city, town, and county government
14 and issues relating to city, town, and county government;

15 (b) Acquiring, preparing, and distributing publications related
16 to city, town, and county government and issues relating to city,
17 town, and county government;

18 (c) Providing educational conferences relating to city, town, and
19 county government and issues relating to city, town, and county
20 government;

21 (d) Furnishing legal, technical, consultative, and field services
22 to cities, towns, and counties concerning planning, public health,
23 utility services, fire protection, law enforcement, public works, and
24 other issues relating to city, town, and county government; and

25 ~~(e) ((Providing a list of all requirements imposed by all cities,~~
26 ~~towns, and counties))~~ (i) For any ordinance, resolution, or policy
27 adopted by a city, town, or county that imposes a requirement on
28 landlords or sellers of real property to provide information to a
29 buyer or tenant pertaining to the subject property or the surrounding
30 area(~~-. The list~~)), posting:

31 (A) A summary of the ordinance, resolution, or policy; and

32 (B) An internet link to the ordinance, resolution, or policy, or
33 the relevant portion of the actual language of the ordinance,
34 resolution, or policy.

35 (ii) Information provided by cities, towns, and counties
36 regarding an ordinance, resolution, or policy under (e)(i) of this
37 subsection must be posted in a specific section on a web site
38 maintained by the entity with which the department of commerce
39 contracts for the provision of municipal research and services under
40 this section, and must list by jurisdiction all applicable

1 requirements. Cities, towns, and counties must provide information
2 for posting on the web site in accordance with RCW 64.06.080.

3 (3) Requests for legal services by county officials must be sent
4 to the office of the county prosecuting attorney. Responses by the
5 department of commerce to county requests for legal services must be
6 provided to the requesting official and the county prosecuting
7 attorney.

8 (4) The department of commerce must coordinate with the
9 association of Washington cities and the Washington state association
10 of counties in carrying out the activities in this section.

11 **Sec. 3.** RCW 82.46.015 and 2015 2nd sp.s. c 10 s 2 are each
12 amended to read as follows:

13 (1) A city or county that meets the requirements of subsection
14 (2) of this section may use the greater of one hundred thousand
15 dollars or twenty-five percent of available funds, but not to exceed
16 one million dollars per year, from revenues collected under RCW
17 82.46.010 for the maintenance of capital projects, as defined in RCW
18 82.46.010(6)(b).

19 (2) A city or county may use revenues pursuant to subsection (1)
20 of this section if:

21 (a) The city or county prepares a written report demonstrating
22 that it has or will have adequate funding from all sources of public
23 funding to pay for all capital projects, as defined in RCW 82.46.010,
24 identified in its capital facilities plan for the succeeding two-year
25 period. Cities or counties not required to prepare a capital
26 facilities plan may satisfy this provision by using a document that,
27 at a minimum, identifies capital project needs and available public
28 funding sources for the succeeding two-year period; and

29 (b)(i) The city or county has not enacted, after September 26,
30 2015((~~7~~)): Any requirement on the listing((~~7~~—leasing~~7~~)) or sale of
31 real property((~~7~~—unless the requirement is either)); or any
32 requirement on landlords, at the time of executing a lease, to
33 perform or provide physical improvements or modifications to real
34 property or fixtures, except if necessary to address an immediate
35 threat to health or safety; or

36 (ii) Any local requirement adopted by the city or county under
37 (b)(i) of this subsection is: Specifically authorized by RCW
38 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW;

1 specifically authorized by other state or federal law; or (~~is~~) a
2 seller or landlord disclosure requirement pursuant to RCW 64.06.080.

3 (3) The report prepared under subsection (2)(a) of this section
4 must: (a) Include information necessary to determine compliance with
5 the requirements of subsection (2)(a) of this section; (b) identify
6 how revenues collected under RCW 82.46.010 were used by the city or
7 county during the prior two-year period; (c) identify how funds
8 authorized under subsection (1) of this section will be used during
9 the succeeding two-year period; and (d) identify what percentage of
10 funding for capital projects within the city or county is
11 attributable to revenues under RCW 82.46.010 compared to all other
12 sources of capital project funding. The city or county must prepare
13 and adopt the report as part of its regular, public budget process.

14 (4) The authority to use funds as authorized in this section is
15 in addition to the authority to use funds pursuant to RCW
16 82.46.010(7), which remains in effect through December 31, 2016.

17 (5) For purposes of this section, "maintenance" means the use of
18 funds for labor and materials that will preserve, prevent the decline
19 of, or extend the useful life of a capital project. "Maintenance"
20 does not include labor or material costs for routine operations of a
21 capital project.

22 **Sec. 4.** RCW 82.46.037 and 2015 2nd sp.s. c 10 s 3 are each
23 amended to read as follows:

24 (1) A city or county that meets the requirements of subsection
25 (2) of this section may use the greater of one hundred thousand
26 dollars or twenty-five percent of available funds, but not to exceed
27 one million dollars per year, from revenues collected under RCW
28 82.46.035 for:

29 (a) The maintenance of capital projects, as defined in RCW
30 82.46.035(5); or

31 (b) The planning, acquisition, construction, reconstruction,
32 repair, replacement, rehabilitation, improvement, or maintenance of
33 capital projects as defined in RCW 82.46.010(6)(b) that are not also
34 included within the definition of capital projects in RCW
35 82.46.035(5).

36 (2) A city or county may use revenues pursuant to subsection (1)
37 of this section if:

38 (a) The city or county prepares a written report demonstrating
39 that it has or will have adequate funding from all sources of public

1 funding to pay for all capital projects, as defined in RCW
2 82.46.035(5), identified in its capital facilities plan for the
3 succeeding two-year period; and

4 (b)(i) The city or county has not enacted, after September 26,
5 2015, any requirement on the listing(~~(, leasing,)~~) or sale of real
6 property(~~(, unless the requirement is either)~~); or any requirement on
7 landlords, at the time of executing a lease, to perform or provide
8 physical improvements or modifications to real property or fixtures,
9 except if necessary to address an immediate threat to health or
10 safety; or

11 (ii) Any local requirement adopted by the city or county under
12 (b)(i) of this subsection is: Specifically authorized by RCW
13 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW;
14 specifically authorized by other state or federal law; or ((is)) a
15 seller or landlord disclosure requirement pursuant to RCW 64.06.080.

16 (3) The report prepared under subsection (2)(a) of this section
17 must: (a) Include information necessary to determine compliance with
18 the requirements of subsection (2)(a) of this section; (b) identify
19 how revenues collected under RCW 82.46.035 were used by the city or
20 county during the prior two-year period; (c) identify how funds
21 authorized under subsection (1) of this section will be used during
22 the succeeding two-year period; and (d) identify what percentage of
23 funding for capital projects within the city or county is
24 attributable to revenues under RCW 82.46.035 compared to all other
25 sources of capital project funding. The city or county must prepare
26 and adopt the report as part of its regular, public budget process.

27 (4) The authority to use funds as authorized in this section is
28 in addition to the authority to use funds pursuant to RCW
29 82.46.035(7), which remains in effect through December 31, 2016.

30 (5) For purposes of this section, "maintenance" means the use of
31 funds for labor and materials that will preserve, prevent the decline
32 of, or extend the useful life of a capital project. "Maintenance"
33 does not include labor or material costs for routine operations of a
34 capital project."

35 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Modifies a requirement proposed in the underlying bill that cities and counties, as one alternative, electronically post the actual language of an ordinance, resolution, or policy. Requires

instead that cities and counties post only the relevant portion of the actual language of the ordinance, resolution, or policy.

(2) Amends an existing statute that requires the entity with which the Department of Commerce contracts for the provision of municipal research and services to provide a list on the entity's web site of all requirements imposed by cities, towns, and counties on landlords or sellers of real property to provide certain information to a buyer or tenant. Requires the entity to provide a summary of, and either an internet link to or the relevant portion of the actual language of any ordinance, resolution, or policy, rather than a list of all requirements imposed. Requires the entity to post the summary and link or relevant portion of each ordinance, resolution, or policy in a specific section on the web site.

(3) Makes the following changes to provisions proposed in the underlying bill related to conditions that disqualify a city or county from using revenues from real estate excise taxes for certain purposes if the city or county enacts any requirement on landlords to perform or provide physical improvements or modifications to real property or fixtures that are not intended to address an immediate threat to public health or safety:

(a) Provides that requirements adopted to address health or safety, rather than public health and safety, do not disqualify cities and counties.

(b) Disqualifies cities and counties only if the requirement affects landlords at the time of leasing, rather than affects landlords at all times.

(c) Specifies that local requirements adopted by a city or county that are specifically authorized by RCW 35.80.030, 35A.11.030, chapter 7.48 RCW, and chapter 19.27 RCW do not disqualify the city or county.

(4) Makes technical changes.

--- END ---