

EHB 2971 - S COMM AMD  
By Committee on Ways & Means

ADOPTED 03/02/2016

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))~~ the effective date of  
17 this act, a city or county adopted an ordinance, resolution, or  
18 policy that imposes a requirement on landlords or sellers of real  
19 property, or their agents, to provide information to a buyer or  
20 tenant pertaining to the subject property or the surrounding area,  
21 the city or county must cause, within ninety days of the effective  
22 date of this act:

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

25 (b) An internet link to the ordinance, resolution, or policy, or  
26 the relevant portion of the actual language of the ordinance,  
27 resolution, or policy, to be posted electronically in accordance with  
28 RCW 43.110.030(2)(e) (~~within ninety days of September 26, 2015, or~~  
29 the requirement shall)). If the requirement is not electronically  
30 posted as required by this subsection, the requirement must  
31 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,)) the effective date of this act: Any requirement on the  
31 listing((, leasing,)) or sale of real property((, unless the  
32 requirement is either)); or any requirement on landlords, at the time  
33 of executing a lease, to perform or provide physical improvements or  
34 modifications to real property or fixtures, except if necessary to  
35 address an immediate 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)) the effective date of this act, any requirement on the  
6 listing((,—leasing,)) or sale of real property((,—unless—the  
7 requirement is either)); or any requirement on landlords, at the time  
8 of executing a lease, to perform or provide physical improvements or  
9 modifications to real property or fixtures, except if necessary to  
10 address an immediate threat to health or 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."

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**ADOPTED 03/02/2016**

1        On page 1, line 3 of the title, after "transactions;" strike the  
2 remainder of the title and insert "and amending RCW 64.06.080,  
3 43.110.030, 82.46.015, and 82.46.037."

EFFECT: Technical corrections. Fixes dates in the bill.

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