
SUBSTITUTE HOUSE BILL 2538

State of Washington

65th Legislature

2018 Regular Session

By House Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McBride, Barkis, Appleton, Peterson, Springer, Slatter, Gregerson, Kagi, Wylie, Chapman, Senn, Stanford, Kloba, and Santos)

READ FIRST TIME 01/26/18.

1 AN ACT Relating to exempting impact fees for low-income housing
2 development; reenacting and amending RCW 82.02.090; providing an
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 82.02.090 and 2010 c 86 s 1 are each reenacted and
6 amended to read as follows:

7 ~~((Unless the context clearly requires otherwise, the following~~
8 ~~definitions shall apply in RCW 82.02.050 through 82.02.090:))~~ The
9 definitions in this section apply throughout RCW 82.02.050 through
10 82.02.090 unless the context clearly requires otherwise.

11 (1) "Development activity" means any construction or expansion of
12 a building, structure, or use, any change in use of a building or
13 structure, or any changes in the use of land, that creates additional
14 demand and need for public facilities. "Development activity" does
15 not include:

16 (a) Buildings or structures constructed by a regional transit
17 authority; or

18 (b) Buildings or structures constructed as shelters that provide
19 emergency housing for people experiencing homelessness, or emergency
20 shelters for victims of domestic violence, as defined in RCW
21 70.123.020.

1 (2) "Development approval" means any written authorization from a
2 county, city, or town which authorizes the commencement of
3 development activity.

4 (3) "Impact fee" means a payment of money imposed upon
5 development as a condition of development approval to pay for public
6 facilities needed to serve new growth and development, and that is
7 reasonably related to the new development that creates additional
8 demand and need for public facilities, that is a proportionate share
9 of the cost of the public facilities, and that is used for facilities
10 that reasonably benefit the new development. "Impact fee" does not
11 include a reasonable permit or application fee.

12 (4) "Owner" means the owner of record of real property, although
13 when real property is being purchased under a real estate contract,
14 the purchaser (~~(shall be)~~) is considered the owner of the real
15 property if the contract is recorded.

16 (5) "Project improvements" mean site improvements and facilities
17 that are planned and designed to provide service for a particular
18 development project and that are necessary for the use and
19 convenience of the occupants or users of the project, and are not
20 system improvements. (~~(No)~~) An improvement or facility included in a
21 capital facilities plan approved by the governing body of the county,
22 city, or town (~~(shall be)~~) is not considered a project improvement.

23 (6) "Proportionate share" means that portion of the cost of
24 public facility improvements that are reasonably related to the
25 service demands and needs of new development.

26 (7) "Public facilities" means the following capital facilities
27 owned or operated by government entities: (a) Public streets and
28 roads; (b) publicly owned parks, open space, and recreation
29 facilities; (c) school facilities; and (d) fire protection
30 facilities.

31 (8) "Service area" means a geographic area defined by a county,
32 city, town, or intergovernmental agreement in which a defined set of
33 public facilities provide service to development within the area.
34 Service areas (~~(shall)~~) must be designated on the basis of sound
35 planning or engineering principles.

36 (9) "System improvements" mean public facilities that are
37 included in the capital facilities plan and are designed to provide
38 service to service areas within the community at large, in contrast
39 to project improvements.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect April 1, 2018.

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