
HOUSE BILL 2981

State of Washington

65th Legislature

2018 Regular Session

By Representatives Fey and Muri

Read first time 02/01/18. Referred to Committee on Local Government.

1 AN ACT Relating to incentivizing the development of commercial
2 office space in cities in a county with a population of less than one
3 million five hundred thousand; adding a new section to chapter 82.14
4 RCW; adding a new chapter to Title 35 RCW; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the cost of
8 developing high-quality, commercial office space is prohibitive in
9 cities located outside of a major metropolitan area. The legislature
10 finds these cities plan to locate commercial office space within
11 those urban centers. The legislature also finds that solely planning
12 for commercial office space within urban centers is inadequate and an
13 incentive should be created to stimulate commercial office space
14 development in urban centers outside major metropolitan areas. The
15 legislature intends to provide these cities with local options to
16 incentivize the development of commercial office space in urban
17 centers with access to transit, transportation systems, and other
18 amenities.

1 NEW SECTION. **Sec. 2.** A governing authority of a city may
2 designate a commercial office space development area. Within the
3 area, the city may:

4 (1) Adopt a local sales and use tax remittance program to
5 incentivize the development of commercial office space; and

6 (2) Establish a local property tax reinvestment program to make
7 public improvements that incentivize the development of commercial
8 office space.

9 NEW SECTION. **Sec. 3.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Commercial office space" means a high quality building or
13 buildings in the local market, as determined by a city's governing
14 authority. High quality must be reflected in the finishes,
15 construction, and infrastructure of the project building. The
16 building or buildings must be at least fifty thousand square feet,
17 and at least three stories. The building must be centrally located in
18 a city, provide close access to available public transportation and
19 freeways, be managed professionally, and offer amenities and advanced
20 technology options to tenants.

21 (2) "Commercial office space development area" means an area that
22 has been designated by the city legislative authority as a commercial
23 office space development area. Each area is limited to contiguous
24 tracts, lots, pieces, or parcels of land without the creation of
25 islands of property not included in the commercial office space
26 development area. The commercial office space development area or
27 areas within a city cannot contain more than twenty-five percent of
28 the total assessed value of the taxable real property within the
29 boundaries of the city at the time the area is established.

30 (3) "County" means a county with a population of less than one
31 million five hundred thousand.

32 (4) "Family living wage job" means a job with a wage that is
33 sufficient for raising a family. A family living wage job must have
34 an average wage of eighteen dollars an hour or more, working two
35 thousand eighty hours per year, as adjusted annually by the consumer
36 price index. The family living wage may be increased by the local
37 authority based on regional factors and wage conditions.

38 (5) "Operationally complete" means that a certificate of
39 occupancy has been issued for the building.

1 (6) "Public improvement" means infrastructure improvements to be
2 owned by a public entity within the commercial office space
3 development area that include:

4 (a) Street, road, bridge, and rail construction and maintenance;

5 (b) Water and sewer system construction and improvements;

6 (c) Sidewalks, streetlights, landscaping, and streetscaping;

7 (d) Parking, terminal, and dock facilities;

8 (e) Park and ride facilities of a transit authority;

9 (f) Park facilities, recreational areas, and environmental
10 remediation;

11 (g) Stormwater and drainage management systems;

12 (h) Seismic improvements to buildings eligible for or eligible
13 for listing in the Washington state register of historic places (RCW
14 27.34.220) or the national register of historic places as defined in
15 the national historic preservation act of 1966 (Title 1, Sec. 101,
16 P.L. 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter
17 amended;

18 (i) Electric, gas, fiber, and other utility infrastructures; and

19 (j) Expenditures for any of the following purposes:

20 (i) Providing environmental analysis, professional management,
21 planning, and promotion within the commercial office space
22 development area; and

23 (ii) Providing maintenance and security for common or public
24 areas in the commercial office space development area.

25 (7) "Public improvement costs" means the costs of:

26 (a) Design; planning; acquisition, including land acquisition;
27 site preparation, including land clearing; construction;
28 reconstruction; rehabilitation; improvements; and installation of
29 public improvements;

30 (b) Demolishing, relocating, maintaining, and operating property
31 pending construction of public improvements;

32 (c) Relocating utilities as a result of public improvements;

33 (d) Financing public improvements, including interest during
34 construction; legal, and other professional services; taxes;
35 insurance; principal and interest costs on general indebtedness
36 issued to finance public improvements; and any necessary reserves for
37 general indebtedness; and

38 (e) Administrative expenses and feasibility studies reasonably
39 necessary and related to these costs, including related costs that
40 may have been incurred before adoption of the ordinance authorizing

1 the public improvements and use of funds deposited into the
2 commercial office development public improvement fund.

3 (8) "Qualifying project" means new construction or rehabilitation
4 of a building or group of buildings intended for use as commercial
5 office space. A "qualifying project" may include mixed-use buildings,
6 not solely intended to be used as office space, but does not include
7 any portion of a project intended for residential use or
8 noncommercial use. "Qualifying project" does not include the land
9 associated with the new construction or rehabilitation.

10 (9) "Rehabilitation" and "rehabilitation improvements" means
11 modifications to an existing building or buildings made to achieve
12 substantial improvements such that the building or buildings can be
13 categorized as commercial office space.

14 (10) "Rehabilitation improvements" means modifications to an
15 existing building or buildings made to achieve substantial
16 improvements such that the building or buildings can be categorized
17 as commercial office space.

18 (11) "Urban center" means a compact identifiable district where
19 urban residents may obtain a variety of products and services. An
20 urban center must contain:

21 (a) Several existing or previous, or both, business
22 establishments that may include but are not limited to shops,
23 offices, banks, restaurants, and governmental agencies;

24 (b) Adequate public facilities including streets, sidewalks,
25 lighting, transit, domestic water, and sanitary sewer systems; and

26 (c) A mixture of uses and activities that may include housing,
27 recreation, and cultural activities in association with either
28 commercial or office use, or both commercial and office use.

29 NEW SECTION. **Sec. 4.** (1) In order for a city to approve a
30 qualifying project to receive a sales and use tax remittance and
31 participate in a local property tax reinvestment program, the city
32 legislative authority must adopt an ordinance designating a
33 commercial office space development area or areas. In the ordinance,
34 the city legislative authority must:

35 (a) Outline the boundaries of the commercial office space
36 development area or areas, consistent with the definitions of this
37 chapter;

38 (b) Find that the area is wholly within an urban center;

1 (c) Find that the area lacks sufficient available, desirable,
2 high-quality, and convenient commercial office space to provide
3 family living wage jobs in the urban center;

4 (d) Outline standards and guidelines consistent with section 5 of
5 this act to accept and approve applications for qualifying projects
6 to be considered for a local sales and use tax remittance or a
7 property tax reinvestment program; and

8 (e) Establish a commercial office development public improvement
9 fund in which to deposit property tax reinvestment revenues.

10 (2) The city legislative authority must hold a public hearing on
11 the ordinance establishing the commercial office space development
12 area or areas. The city legislative authority must give notice of a
13 hearing held under this section by publication of the notice once
14 each week for two consecutive weeks, not less than seven days, nor
15 more than thirty days before the date of the hearing in a paper
16 having a general circulation in the city where the proposed
17 commercial office space development area or areas would be located.
18 The notice must state the time, date, place, and purpose of the
19 hearing and generally identify the area proposed to be designated as
20 a commercial office space development area.

21 NEW SECTION. **Sec. 5.** (1) In order to approve the sales and use
22 tax remittance and property tax reinvestment for a qualifying project
23 under section 4 of this act, an owner of a qualifying project must,
24 in coordination with the city, submit an application to the city
25 consistent with the standards and guidelines provided in section 4 of
26 this act. Additionally, the application must include:

27 (a) Whether the qualifying project is located within a commercial
28 office space development area, in accordance with an adopted
29 ordinance under section 4 of this act;

30 (b) Whether the qualifying project meets the definition of a
31 qualifying project;

32 (c) The number of family living wage jobs estimated to be
33 generated by the qualifying project;

34 (d) A description of the qualifying project, including a physical
35 description of proposed building or buildings including estimated
36 square footage, number of floors, and a list of features and
37 amenities;

38 (e) The cost of construction or rehabilitation, and length of
39 time that the qualifying project will be under construction;

1 (f) Whether the qualifying project is or will be, at the time of
2 completion, in conformance with all local plans and regulations that
3 apply at the time the application is approved; and

4 (g) A statement that the qualifying project is not anticipated to
5 be used for the purpose of relocating a business from outside of the
6 commercial office space development area, but within the state, to
7 within the commercial office space development area. This does not
8 exclude the incentives authorized under this chapter and section 11
9 of this act from being used for the expansion of a business,
10 including the development of additional offices or satellite
11 facilities.

12 (2) If the project applicant is seeking a sales and use tax
13 remittance, the application must also include:

14 (a) A written agreement for the use of the local sales and use
15 tax remittance from any taxing authority that imposes a sales or use
16 tax under chapter 82.14 RCW. The agreement must be authorized by the
17 governing body of such participating taxing authorities. If a taxing
18 authority does not provide a written agreement, the sales and use tax
19 for that taxing authority may not be remitted and the revenue may not
20 be estimated in the application;

21 (b) An estimate of the amount of local sales and use tax revenue
22 that will be remitted to a taxpayer;

23 (c) The approximate date that the local sales and use tax revenue
24 will be remitted to a taxpayer; and

25 (d) The criteria under this section by which a qualifying project
26 can later receive certification under section 11(4) of this act
27 confirming that a taxpayer is eligible for the remittance.

28 (3) If the city intends to approve the qualifying project for a
29 property tax reinvestment, the application must also include:

30 (a) A written agreement of the participation of any taxing
31 authority that collects a local property tax allocation. The
32 agreement must be authorized by the governing body of such
33 participating local taxing authorities. If a taxing authority does
34 not provide written agreement, the local property tax for that taxing
35 authority may not be remitted to the city legislative authority that
36 established a commercial office development public improvement fund;

37 (b) An estimated amount of property tax to be deposited into a
38 commercial office development public improvement fund resulting from
39 the qualifying project; and

1 (c) A prioritized list of public improvements that support the
2 development of the qualifying project, and the estimated public
3 improvement costs.

4 NEW SECTION. **Sec. 6.** (1) The duly authorized administrative
5 official or committee of the city may approve the application if it
6 finds that:

7 (a) The proposed qualifying project meets the criteria as defined
8 by the city in section 4 of this act;

9 (b) The proposed qualifying project is or will be, at the time of
10 completion, in conformance with all local plans and regulations that
11 apply at the time the application is approved;

12 (c) The owner has complied with all standards and guidelines
13 adopted by the city in section 4 of this act; and

14 (d) The site is located in a commercial office space development
15 area that has been designated by the city legislative authority in
16 accordance with the procedures and guidelines indicated in section 4
17 of this act.

18 (2) If the application is approved, the city must issue the owner
19 of the property a conditional certificate of acceptance of the
20 project for the sales and use tax remittance and participation in a
21 property tax reinvestment program.

22 (3) If the application is denied by the authorized administrative
23 official or committee authorized by the city legislative authority,
24 the deciding administrative official or committee must state in
25 writing the reasons for denial and send the notice to the applicant
26 at the applicant's last known address within ten days of the denial.

27 (4) Upon denial by a duly authorized administrative official or
28 committee, an applicant may appeal the denial to the city legislative
29 authority within thirty days after receipt of the denial. The appeal
30 before the governing authority must be based upon the record made
31 before the administrative official or committee with the burden of
32 proof on the applicant to show that there was no substantial evidence
33 to support the administrative official's or committee's decision. The
34 decision of the city legislative authority in denying or approving
35 the application is final.

36 NEW SECTION. **Sec. 7.** (1) Once the city approves an application
37 for a qualifying project to participate in a property tax
38 reinvestment program, the city must deposit into a commercial office

1 development public improvement fund, the equivalent of the city's
2 share of the ad valorem property taxation on the value of new
3 construction and rehabilitation improvements of real property for
4 qualifying projects under this chapter for a period of ten successive
5 years beginning January 1st of the calendar year immediately
6 following the calendar year in which the application is initially
7 approved.

8 (2) For a period of ten successive years beginning January 1st of
9 the calendar year immediately following the calendar year in which
10 the application is initially approved, taxing districts participating
11 under this section that provide a written agreement under section 5
12 of this act must transfer to the city an amount equivalent to the
13 portion of the taxing district's ad valorem property tax on the value
14 of new construction and rehabilitation improvements of real property
15 for qualifying projects for the city to deposit into a commercial
16 office development public improvement fund.

17 NEW SECTION. **Sec. 8.** (1) The city may only make expenditures
18 from the commercial office development public improvement fund that:

19 (a) Are to construct the public improvement that was identified
20 in the approved application, requesting the property tax reinvestment
21 submitted under section 5 of this act and approved under section 6 of
22 this act;

23 (b) Transfer funding to the project applicant to construct the
24 public improvement and transfer ownership of the public improvement
25 to a public agency; and

26 (c) Meet any additional criteria established in an ordinance
27 adopted under section 4 of this act.

28 (2) The city and the project applicant must enter into a written
29 agreement outlining the specifics of the public improvement,
30 associated public improvement costs, responsible parties, and any
31 other information required by the city.

32 NEW SECTION. **Sec. 9.** If a qualifying project participating in
33 the property tax reinvestment program under this chapter changes
34 ownership, the property continues to qualify for the reinvestment, if
35 the new owner complies with all of the application requirements,
36 procedures, terms, conditions, and reporting requirements under this
37 chapter, and meets all of the criteria established by the city to
38 which the application was submitted under this chapter.

1 NEW SECTION. **Sec. 10.** (1) The joint legislative audit and
2 review committee must study the effectiveness of the local sales and
3 use tax remittance and the local property tax reinvestment programs
4 authorized in this chapter, and submit a report as provided in
5 subsection (3) of this section.

6 (2) The report must include, but is not limited to, an assessment
7 of the local sales and use tax remittance and the property tax
8 reinvestment programs authorized under this chapter and an evaluation
9 of:

10 (a) The availability of quality office space;

11 (b) The effects on affordable housing;

12 (c) The effects on transportation, traffic congestion, and
13 greenhouse gas emissions; and

14 (d) Job creation.

15 (3) By October 1, 2028, and in compliance with RCW 43.01.036, the
16 joint legislative audit and review committee must submit to the
17 appropriate committees of the legislature a final report with their
18 findings and recommendations under this section.

19 (4) This section expires December 31, 2028.

20 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.14
21 RCW to read as follows:

22 (1) Subject to the requirements of chapter 35.--- RCW (the new
23 chapter created in section 12 of this act), a project is eligible for
24 a sales and use tax remittance under the authority of this chapter
25 on:

26 (a) The sale of or charge made for labor and services rendered in
27 respect to construction or rehabilitation of a qualifying project
28 located in a city; and

29 (b) The sales or use of tangible personal property that will be
30 incorporated as an ingredient or component of a qualifying project
31 located in a city during the course of the constructing or
32 rehabilitating.

33 (2)(a) A qualifying project owner claiming a remittance under
34 this section must pay all applicable state and local sales and use
35 taxes imposed or authorized under RCW 82.08.020, 82.12.020, and this
36 chapter on all purchases and uses qualifying for the remittance.

37 (b) The amount of the remittance is one hundred percent of the
38 local sales and use taxes paid under an ordinance enacted under the
39 authority of this chapter for purchases or uses qualifying under

1 subsection (1) of this section, if the taxing authorities imposing
2 taxes under the authority of this chapter have authorized the use of
3 the remittance to the city legislative authority as provided under
4 section 6 of this act.

5 (3) After the qualifying project has been operationally complete
6 for eighteen months, but not more than thirty-six months, and after
7 all local sales and use taxes for purchases and uses qualifying under
8 subsection (1) of this section have been paid, a qualifying project
9 owner who submits an application for a building permit for that
10 qualifying project prior to July 1, 2027, may apply to the department
11 for a remittance of local sales and use taxes.

12 (4) A qualifying project owner requesting a remittance under this
13 section must obtain certification from the governing authority of a
14 city verifying that the qualifying project has satisfied the criteria
15 in section 6 of this act.

16 (5) A qualifying project owner must specify the amount of
17 exempted tax claimed and the qualifying purchases or uses for which
18 the exemption is claimed. The qualifying project owner must retain,
19 in adequate detail, records to enable the department to determine
20 whether the qualifying project owner is entitled to an exemption
21 under this section, including invoices, proof of tax paid, and
22 construction contracts.

23 (6) The department must determine eligibility under this section
24 based on information provided by the qualifying project owner, which
25 is subject to audit verification by the department.

26 (7)(a) A person otherwise eligible for a remittance under this
27 section that transfers the ownership of the qualifying project before
28 the requirements in subsection (3) of this section are met may assign
29 the right to the remittance under this section to the subsequent
30 owner of the qualifying project.

31 (b) Persons applying for the remittance as an assignee must
32 provide the department the following documentation in a form and
33 manner as provided by the department:

34 (i) The agreement that transfers the right to the remittance to
35 the assignee;

36 (ii) Proof of payment of sales and use tax on the qualifying
37 project; and

38 (iii) Any other documentation the department requires.

39 (8) The definitions in section 3 of this act apply to this
40 section.

1 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act
2 constitute a new chapter in Title 35 RCW.

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