

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2538**

65th Legislature  
2018 Regular Session

Passed by the House February 8, 2018  
Yeas 96 Nays 2

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**Speaker of the House of Representatives**

Passed by the Senate February 28, 2018  
Yeas 45 Nays 4

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2538** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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SUBSTITUTE HOUSE BILL 2538

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Passed Legislature - 2018 Regular Session

**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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