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SENATE BILL 6387

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State of Washington

66th Legislature

2020 Regular Session

By Senator Zeiger

1 AN ACT Relating to accelerating housing infrastructure  
2 investments by adjusting impact fee timelines; and amending RCW  
3 82.02.080.

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

5 **Sec. 1.** RCW 82.02.080 and 2011 c 353 s 9 are each amended to  
6 read as follows:

7 (1) The current owner of property on which an impact fee has been  
8 paid may receive a refund of such fees if the county, city, or town  
9 fails to expend or encumber the impact fees within (~~ten~~) six years  
10 of when the fees were paid or other such period of time established  
11 pursuant to RCW 82.02.070(3) on public facilities intended to benefit  
12 the development activity for which the impact fees were paid. In  
13 determining whether impact fees have been encumbered, impact fees  
14 shall be considered encumbered on a first in, first out basis. The  
15 county, city, or town shall notify potential claimants by first-class  
16 mail deposited with the United States postal service at the last  
17 known address of claimants.

18 The request for a refund must be submitted to the county, city,  
19 or town governing body in writing within one year of the date the  
20 right to claim the refund arises or the date that notice is given,  
21 whichever is later. Any impact fees that are not expended within

1 these time limitations, and for which no application for a refund has  
2 been made within this one-year period, shall be retained and expended  
3 on the indicated capital facilities. Refunds of impact fees under  
4 this subsection shall include interest earned on the impact fees.

5 (2) When a county, city, or town seeks to terminate any or all  
6 impact fee requirements, all unexpended or unencumbered funds,  
7 including interest earned, shall be refunded pursuant to this  
8 section. Upon the finding that any or all fee requirements are to be  
9 terminated, the county, city, or town shall place notice of such  
10 termination and the availability of refunds in a newspaper of general  
11 circulation at least two times and shall notify all potential  
12 claimants by first-class mail to the last known address of claimants.  
13 All funds available for refund shall be retained for a period of one  
14 year. At the end of one year, any remaining funds shall be retained  
15 by the local government, but must be expended for the indicated  
16 public facilities. This notice requirement shall not apply if there  
17 are no unexpended or unencumbered balances within an account or  
18 accounts being terminated.

19 (3) A developer may request and shall receive a refund, including  
20 interest earned on the impact fees, when the developer does not  
21 proceed with the development activity and no impact has resulted.

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