



# Washington Landlord Association (WLA)

2023 Legislative Priorities

## 2023 FISCAL COMMITTEE CUTOFF LEGISLATIVE SESSION REPORT

FRIDAY, FEBRUARY 24, 2023

### WLA Priority Bills in the Legislature in 2023

1. **HB 1388** – Rent Control – **OPPOSE (R)**
2. **HB 1389/SB 5435** – Rent Control – **OPPOSE (R)**
3. **HB 1625/SB 5615** – Local Rent Control – **OPPOSE (R)**
4. **HB 1817/SB 5741** – Housing Gap Voucher Pilot Program – **SUPPORT (R)**
5. **HB 1124** – Rent Control Lite, 1-Way Lease, & Fees – **OPPOSE (R)**
6. **SB 5197** – Eviction Processes – **OPPOSE (R)**
7. **HB 1628** – Highest State REET Tax – **OPPOSE (A)**
8. **SB 5335** – Capital Gains – **OPPOSE (A)**
9. **HB 1129/SB 5198** – Mobile Home Community Sale – **OPPOSE (R)**
10. **SB 5697** – Manufactured Housing Rent Control – **OPPOSE (R)**
11. **HB 1832** – Vehicle Per Mile Charge – **OPPOSE (A)**

### Housing Creation Bills

1. **HB 1611** – Permit Reform – **SUPPORT (R)**
2. **HB 1404/SB 5117** – Reforms to Building Code Council – **SUPPORT (A)**
3. **HB 1252** – Impact Fees – **SUPPORT (R)**
4. **HB 1296/SB 5290** – Permit Streamlining – **SUPPORT (A)**
5. **HB 1026** – Design Review – **SUPPORT (R)**
6. **HB 1298/SB 5258** – Condo Reform – **SUPPORT (R)**
7. **HB 1110/SB 5190** – Missing Middle – **SUPPORT (R)**
8. **HB 1245/ SB 5364** – Lot Splitting – **SUPPORT (R)**
9. **HB 1042** – Existing Building – **SUPPORT (A)**
10. **HB 1351/ SB 5456** – Parking Requirements – **SUPPORT (A)**
11. **HB 1517/ SB 5466** – Transit Oriented Development – **SUPPORT (A)**

### Public Safety Bills

1. **SB 5056** – Habitual Property Offender – **SUPPORT (A)**
2. **HB 1065/SB 5062** – Online Marketplaces Theft and Safety Protection – **SUPPORT (A)**
3. **HB 1456** – Changing the Definition of Theft – **SUPPORT (A)**
4. **SB 5160** – Organized Retail Theft Crime – **SUPPORT (A)**
5. **SB 5259** – Creating an Organized Retail Theft Task Force – **SUPPORT (A)**
6. **HB 1363/SB 5352** – Police Vehicular Pursuit – **SUPPORT (A)**
7. **HB 1586/SB 5533** – Police Vehicular Pursuit Workgroup – **SUPPORT (A)**

Additional information about these bills, their sponsors, their current status, and more below.  
(C) = Commercial; (R) = Residential; (M) = Manufactured Housing; (A) = All

## **OPPOSED**

### **1. HB 1628 - Highest State REET Tax in America on Properties Over \$5 Million**

#### **Original Bill**

- Would create a new tier in the state graduated REET Tax that would be the highest REET Tax in America on sales over \$5 million.
- The REET Tax would be 4% of the selling price that is greater than \$5 million, beginning January 1, 2025.
- The REET Tax shall be split as follows:
  - 30% to the Washington housing trust fund created in RCW 43.185.030;
  - 30% to the apple health and homes account created in RCW 43.330.184;
  - 15% to the developmental disabilities trust account created in the bill.
  - 24% to the affordable housing for all account created in RCW 43.185C.190 for operations, maintenance, and service cost for permanent supportive housing as defined in RCW 17 36.70A.030.

#### **Amended Bill**

- Allows counties and cities that impose the new real estate excise tax for use on capital construction or acquisition of affordable housing costs of new units to also use tax revenue for infrastructure costs associated with such housing and facilities.
- Allows counties that are not required to plan under the Growth Management Act, but that have chosen to do so, and the cities within those counties, to impose the second 0.25 percent local government real estate excise with councilmanic authority, rather than with voter approval beginning on January 1, 2024.
- Allows revenue from the 1<sup>st</sup> and 2<sup>nd</sup> 0.25 percent local government real estate excise tax to be used for any capital projects, maintenance, operations and service support for existing projects.

#### **Talking Points:**

- Would create a new tier in the state graduated REET Tax that would be the **highest State REET Tax in America** on sales over \$5 million.
- Costs are already increasing for small housing providers, this will create even more burden on these small businesses and will lead to less housing.
- Increased REET Taxes will discourage housing investment and development in Washington State, increasing rents, and worsening our housing crisis.
- WA is becoming less desirable and less competitive for real estate investment. There are 15 states that do not charge real estate excise or transfer taxes at all. In addition, WA is one of 23 states that also allow a local option real estate excise or transfer tax on top of that. The higher our WA fees, the more likely to drive investment to other states.
- Commercial real estate has taken a lot of financial hits during the pandemic and is still recovering, enacting the nation's highest REET tax would not allow that recovery.

- With many companies still not back to work in the office, adding this extreme REET tax to commercial properties will only exacerbate that problem.
- Higher taxes and increased administrative burden have proven to consistently drive real estate investment out of the market and likely increase rental prices.

**Sponsors:** *Representatives: Chopp, Macri, Peterson, Alvarado, Taylor, Reed, Pollet, Lekanoff, Fitzgibbon, Berg, Riccelli, Davis, Street, Ramel, Duerr, Senn, Doglio, Cortes, Stonier, Gregerson, Mena, Berry, Fosse, Goodman, Bergquist, Slatter, Ormsby, Thai, Farivar, Simmons, Wylie*

**STATUS HB:** House Finance Committee – NTIB

## 2. HB 1388 – Rent Control – Protecting tenants by prohibiting predatory residential rent practices and by applying the consumer protection act to the RLTA and MHLTA

### Original Bill

- Applies to both residential housing and manufactured home communities.
- Prohibits a landlord from increasing rent more than the rate of inflation (CPI-U) or 3%, whichever is greater, up to a max of 7% above rent if the rent increase:
  - Is not justified by costs necessary to maintain the dwelling unit
  - Is substantially likely to lead to the displacement of the tenant, or
  - Is used to avoid other tenant protections.
- Rent increase provisions do not apply to:
  - Dwelling units that are less than 10 years old.
  - Tenancies for which the landlord is required to reduce rent to 30% or less of the tenant's income because of a federal, state, or local program or subsidy.
- Creates a private cause of action for a tenant to recover actual damages, punitive damages equal to 3 months' rent and fees, and reasonable attorneys' fees and costs.
- Provides that a violation of the RLTA or MHLTA is a violation of the Consumer Protection Act.
- Prohibits charging a higher rent or including terms of payment or other material conditions in a rental agreement that are more burdensome to a tenant for a month-to-month rental agreement than for a longer-term rental agreement.
- Authorizes the Attorney General (AG) to:
  - Investigate practices that violate this section. When investigating, the AG may consider, in addition to any other relevant information:
    - The condition of the unit, including outstanding repair issues, maintenance costs other than for upgrades, property taxes, etc.;
    - Whether a rent increase was issued to evade protections afforded to tenants; and
    - Whether a rent increase will result in the displacement of the tenant or household.
  - Issue a cease-and-desist letter to prevent predatory practices that violate this section. If the recipient does not comply within five calendar days, the AG may file an action in court with a civil penalty up to \$10,000 per ;

- Imposes a civil penalty of no more than \$25,000 per violation.
- Requires Commerce to calculate and publish the maximum annual rent increase percentage on September 30, 2023, and on each following September 30<sup>th</sup>.
- Includes an emergency clause and an immediate effective date.

**Amended Bill**

- Removes references to "predatory" prohibited practices rather than prohibited predatory practices.
- Revises the prohibition on excessive rent increases such that a landlord may not rent or seek to rent a dwelling unit at an excessive rent, if such rent increase is:
  - Beyond the amount reasonably necessary to maintain or improve the dwelling unit; and is
  - Substantially likely to cause the tenant or household to move or involuntarily relocate from the home; or
  - Is used as a means to avoid other protections afforded to tenants under the RLTA, the MHLTA, or any other applicable law.
- Revises the exemption for tenancies in new buildings from 10 years or less to 12 or less years.
- Revises the provisions related to the Attorney General's investigation authority to clarify the types of civil investigative demands that the Attorney General may issue.
- Revises the provisions related to the Attorney General's enforcement authority to clarify that the enforcement authority for the cease-and-desist letter is separate from the general enforcement authority for the bill
- Makes clear that the Attorney General's enforcement is not a prerequisite for a tenant to bring a private action against a landlord.

**Sponsors:** *Representatives: Macri, Ramel, Peterson, Thai, Gregerson, Hackney, Ormsby, Alvarado, Doglio, Cortes, Riccelli, Mena, Kloba, Bateman, Fitzgibbon, Street, Taylor, Lekanoff, Simmons, Farivar, Pollet, Stonier, Berry, Reed, Bergquist, Morgan, Davis, Santos, Chopp, Reeves, Stearns, Fosse*

**STATUS HB: DEAD** – House Appropriations Committee

**3. HB 1389/SB 5435 – Rent Control - Concerning residential rent increases under the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act.**

**Original Bill**

- Applies to both residential housing and manufactured home communities.
- Prohibits a landlord from increasing the rent more than the CPI-U or 3%, whichever is greater, up to a maximum of 7%. Commerce is required to calculate and publish the maximum annual rent increase percentage.
- Contains a VERY complicated "banking" process to carry forward the ability to give an increase later if not given in that year.
- Prohibits a landlord from increasing the rent in the first 12 months of a tenancy.

- "Rent increase" is defined to include any new charges added to a rental agreement that were not identified in the initial rental agreement. For example, new parking, utility, or other charges.
- Requires a landlord that increases rent above the limit to include facts supporting the exemption in the written notice of the rent increase.
- Creates a private cause of action for a tenant to recover actual damages, punitive damages equal to 3 months' rent, and reasonable attorneys' fees and costs.
- Provides the following exemptions from the maximum annual rent increase limit:
  - Dwelling units that are less than 10 years old;
  - Tenancies for which the landlord is required to reduce rent to 30% or less of the tenant's income because of a federal, state, or local program or subsidy;
  - If a landlord has paid for improvements costing more than 4 months' rent...
  - If a landlord is experiencing significant hardship in complying with rent control due to a disparity between the local costs for providing housing and the statewide costs, the landlord may request an individual exemption from Commerce.

#### **Amended Bill**

- Modifies the definition of "rent increase" to remove the list of examples.
- Revises the exemption for tenancies in new buildings from 10 years or less to 12 or less years.
- Limits the use of banked capacity to a 10% annual rent increase. Remaining banked capacity may be retained for potential use in future years.
- Under the banked capacity program if a tenant voluntarily moves out and the landlord chooses to charge the new tenant the same or less than the amount of rent that the landlord charged the previous tenant, the landlord may retain any banked capacity that was accrued under the prior tenancy.

**Sponsors:** *Representatives: Ramel, Macri, Peterson, Duerr, Gregerson, Alvarado, Ormsby, Doglio, Riccelli, Cortes, Mena, Thai, Kloba, Bateman, Street, Taylor, Lekanoff, Simmons, Farivar, Pollet, Stonier, Berry, Reed, Bergquist, Davis, Santos, Senn, Reeves, Stearns, Fosse; Senators Trudeau, Saldaña, Frame, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Robinson, Stanford, Wilson, C.*

**STATUS HB:** House Rules Committee

**STATUS SB:** **DEAD** – Senate Housing Committee

#### **4. HB 1625/SB 5615 – Local Rent Control**

- Removes the State Preemption on Rent Control (RCW 35.21.830) allowing local governments to enact local rent control.
- Would allow every Local Government to create a different local rent control policy; that could mean **more than 450 different local rent control policies across WA State.**
- There is no floor to what a city could impose under local rent control including denying any increase whatsoever to housing providers.

- The desperate need for “Middle Housing” solutions shows that cities have not found solutions for housing, why should we trust them with local rent control?

**Sponsors:** *Representatives: Pollet, Farivar, Chopp, Alvarado, Macri, Doglio, Ramel, Reed, Fosse, Street; Senators: Valdez; Senators: Valdez, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Nobles*

**STATUS HB:** **DEAD** – House Housing Committee

**STATUS SB:** **DEAD** – Senate Local Government, Land Use & Tribal Affairs

**5. HB 1124 – Protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy without penalty, and limiting late fees.**

**Original Bill**

- A landlord may not increase a tenant's rent by more than 5 percent without providing written notice between 180 and 220 days before the increase takes effect.
- The notice must inform the tenant of the tenant's ability to terminate the tenancy without penalty. A tenant who receives notice of a rent increase of more than 5 percent may terminate the tenancy at any point prior to the effective date of the increase by providing at least 20 days' notice for a month-to-month or at least 45 days' notice for a tenancy with a lease, and the landlord must prorate the rent owed to the tenant's move-out date.
- A tenant who is charged and pays rent reflecting an increase of more than 5 percent without receiving the required written notice may recover actual damages in the amount of the excess rent paid and treble damages, costs, and reasonable attorneys' fees.
- A landlord may not charge a tenant a fee for late payment of rent that exceeds \$75 total.

**Amended Bill**

- Excludes any utility charges in calculating the 5% threshold for requiring landlord notice and tenant ability to terminate a tenancy.
- Changes the bill's limit on late rental payment fees from \$75 total to the lesser of 10 percent of the rental amount, excluding any charges for utilities, or \$75 total.
- Applies the limits on late rental fees to tenancies covered by the MHLTA.

**Talking Points:**

- This bill is rent control lite
- This bill puts an unreasonable expectation on housing providers to predict the rental housing environment over 180 days in advance.
- The bill incentivizes housing providers to regularly increase their rents and punishes housing providers for not increasing rent each renewal.
- This bill creates a confusing and narrow window to issue a rent increase notice and may conflict with the existing lease term.

- Giving tenants the ability to terminate a lease without penalty, after receiving a rent increase, steps between a private contract between two parties. Tenants would be able to violate or break the lease unilaterally which leaves housing providers concerned if their lease will be upheld.
- Late fees are designed to incentivize tenants to pay rent on time. A nominal fee provides little incentive and invalidates the purpose of the fee.
- A nominal fee allows the tenant to use the landlord as a bank.
- The landlord incurs significant cost to service notices related to past due rent.

**Sponsors:** *Representatives Peterson, Fitzgibbon, Taylor, Street, Berry, Bateman, Ramel, Doglio, Macri, Simmons, Chopp, Lekanoff, Thai, Bergquist, Stonier, Pollet, Riccelli, Ormsby*

**STATUS HB:** House Rules Committee

## 6. SB 5197 - Eviction Processes

### Provisions of the bill we Oppose:

- **Allows the tenant an extended period of time to reinstate the tenancy**
  - Creates uncertainty in the eviction process outside of the courtroom and very likely will lead to Writs being served inadvertently for lack of communication by local Sheriff's departments
  - Attorney fee increases
- **Show cause hearing whether or not the tenant responds**
  - Cost of eviction actions increases where the tenant does not participate in the process for resolution of their nonpayment of rent issue
  - Already required in numerous counties.
- **Removes requirements to limit additional provisions**
  - Under current programs, costs the State more money because we cannot address nonpayment of rent when it happens but have to wait 6 months to serve a notice
  - Rental assistance programs require us to provide a notice served on a tenant OR a Summons and Complaint in order to access funding
  - This is a reasonable restriction on rental assistance program overreach into the rental contract that addresses the issues before the court and makes all parties whole.
- **Removes 3 pay or vacates / reinstatement**
  - Agreement made in 2019 that has never been applied

### Provisions of the bill to Support:

- Strikes reference to the Eviction Resolution Pilot Program
- Permits virtual testimony
- Creates a TPP entitlement requiring State to pay rental assistance regardless of appropriation

### Amended Bill

- Removes provision prohibiting entry of default judgments prior to the scheduled hearing date;

- Removes restriction on landlords from adding additional conditions in order to accept a pledge of emergency rental assistance;
- **Restores 3-Strikes** – The prohibition on eligibility for a tenant to seek a stay of a writ of restitution upon good cause if a tenant is issued three or more 14-day pay or vacate notices within the previous 12-month period, but allows judges to consider the validity and propriety of the notices served as the basis for the prohibition;
- Extends permanently the exception to the prohibition on eligibility for good cause judicial discretion for tenants using the tenancy preservation program.

**Sponsors:** *Senators Kuderer, Saldaña, Nguyen, Nobles, Wellman, Wilson, C.*

**STATUS:** Senate Floor

## 7. SB 5335 – Capital Gains

- This bill would not only increase the overall capital gains tax rate from 7% to 8.5%, but it would also now **include real estate transactions**.

**Sponsors:** *Senators Hasegawa, Hunt, Liias, Nguyen, Stanford*

**STATUS SB:** Senate Health & Long-Term Care Committee – NTIB

## 8. HB 1129/SB 5198 – Mobile Home Community Sale

### Summary of Bill

- Requires a landlord to provide written notice of opportunity to purchase when selling or leasing a manufactured/mobile home community (community).
- Allows eligible organizations a fixed period of time to provide written notice of intent to consider purchasing or leasing a community and to make an offer, during which time the landlord may not make a final unconditional acceptance of another offer.
- Requires, with limited exceptions, that a landlord provide three years' notice of a community's closure or conversion.

### Talking Points:

- Attempts “reasonable balancing of rights” by forcing 3-year notice before MHC can be closed.
- Requires TWO separately-delivered certified mail notices each with common and a few different requirements based on landlord publicly announcing MHC is for sale.
- If for sale, requires landlord wait 45 days to make any final sale agreement with anyone else during notice period; IF an eligible organization gives notice of interest to purchase MHC during those 45 days, landlord must wait 12 months more to sell to anyone else besides the eligible organization that expressed interest.
- \$10,000 fine for not doing the opportunity to purchase process correctly or at all.
- Closure of an MHC notice period goes from one year to 3 years.
- The 3-year closure notice does not apply if the landlord agrees to pay each tenant “relocation assistance” of \$17,000 for multi-section and \$11,000 for single-section home, and agrees to compensate tenants for “loss of home” by paying the GREATER of market value and \$5,000 during what would be the closure notice period. In such



case, tenants will have 12 months to RGC 12 vacate, while paying rent. At the end of 12 months, tenants may walk away from the home with the money they were paid, and the landlord is responsible for disposing of the tenants' homes.

- OR, the 3-year closure does not apply if the landlord provides relocation assistance of at least \$17,000 for multi-section home and \$11,000 for single section home during what would be the closure period, and instead of paying for "loss of home", the landlord allows the tenants to stay and pay rent for 24 months. At the end, the tenants may walk away from their homes with the money paid them, and the landlord will have to dispose of the homes.
- In either case where the landlord provides "relocation assistance", the tenants are still eligible for RCW 59.21 state relocation fund assistance.
- Expands "eligible organization".

**Sponsors:** *Representatives Gregerson, Duerr, Reed, Peterson, Bateman, Ramel, Leavitt, Doglio, Macri, Simmons, Reeves, Chopp, Lekanoff, Wylie, Santos, Ormsby, Kloba, Tharinger; Senators Frame, Kuderer, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Valdez, Wilson, C.*

**STATUS HB:** House Rules Committee

**STATUS SB:** Senate Rules Committee

#### 9. **SB 5697** – Mobile Home Park Rent Control

- Applies only to Manufactured Housing and it has added the UTC as the governing "rent control board" instead of the "Department of Commerce."
- Purports to authorize the utilities and transportation commission (UTC) to regulate the rates and services of all persons engaging in the business of acting as a landlord for a manufactured home community/mobile home park.
- Amends RCW 59.20.
- Adds a definition of consumer price index which references the West Region index published in September of the current calendar year.
- Caps annual rent increases as follows (Section 2 (1) (a) and (b)):
  - No increase during first 12 months of tenancy
  - At any time after the first year, increase may not exceed an amount greater than the rate of inflation as measured by the consumer price index
- Contains **vacancy control** in limited situations where the tenancy is terminated by the landlord [landlord terminating a tenancy may not set rent for the next tenancy in an amount greater than the consumer price index].
- Certain exemptions including (a) full decontrol if the tenant leaves voluntarily and (b) a banked capacity program.
- Expressly removes current law that describes leases having a term of 2 years or more; the intent must be to impair all such existing leases and prohibit new ones that do not conform to this bill.

#### **Talking Points:**

- Investment in communities will decline and well capitalized buyers will flee. I

- Housing will not be more affordable because supply will decline; no NEW communities or sites will be built.
- Infrastructure & amenities will decline as investment declines.
- Rent Control is unconstitutional; cannot be sustained on stories and anecdotes; No Legitimated state interest is established.
- Housing is impacted nationwide by a lack of supply and decline in building over the last decade; states need to reverse this trend not punish current affordable housing providers.
- Bill demonstrates that rent control is meant to be punitive to current owners of affordable housing communities given severe penalties and new bureaucratic reporting requirements.
- Look at California - decades of rent control have not created affordable housing; just the opposite.
- This bill is punitive rent control - cannot be disguised as utility regulation
- Utilities and transportation commission does not have expertise to regulate housing
- This bill singles out Manufactured Housing community providers over all other forms of housing
- Bill Destroys family owned businesses and value created over generations.

**Sponsors:** *Senators Van De Wege, Kuderer, Conway, Hunt, Lovelett, Wilson, C.*

**STATUS SB:**       **DEAD** – Senate Ways & Means Committee

#### **10. HB 1832 – Vehicle Per Mile Charge**

- The target date for implementation of a comprehensive, mandatory road usage charge program is January 1, 2030.
- A voluntary road usage charge program is established that places a per mile fee on motor vehicle usage of public roadways in the state.
- The road usage charge rate for the voluntary road usage charge program is 2.5 cents per mile.

**Sponsors:** *Representatives Fey, Mena, Doglio, Ramel*

**STATUS HB:**       House Transportation Committee – **NTIB**

## **SUPPORT**

### **1. HB 1817/SB 5741 – Housing Gap Voucher Pilot Program**

- Creates rental assistance vouchers through housing authorities for residents to bridge the gap between their income and their rent.
- Makes available rental assistance for seniors, low-income families, and members of marginalized communities living in manufactured housing or rental housing in Washington.
- Vouchers are targeted to 80% AMI and below, adjusted by family size and area.
- Voucher is good for up to 12 months and allows residents in need to reapply.
- Voucher amounts is enough to bridge the gap but not paying all of the monthly rent.

**Sponsors:** *Representatives Rule, Connors; Senators Braun, Lovick, Wilson, J.*

**STATUS HB:** House Housing Committee – **NTIB**

**STATUS SB:** Senate Housing Committee – **NTIB**

## 2. HB 1611 – Permit Reform

- Establishes timeframes by which cities and counties must complete permit reviews for residential and mixed-use residential projects.
  - 120 days for projects with no more than five dwelling units;
  - 180 days for projects with more than five but fewer than 101 dwelling units; and
  - 270 days for projects with at least 101 dwelling units.
- Creates feedback and requirements
  - Requires that a residential or mixed-use residential permit application must respond within 14 days stating whether the application is complete, or if not, what is necessary to make the application complete.
  - After an application has been deemed complete, no additional informational requirements may be imposed on the completed application.
  - After 3/31/25, an application will be deemed complete if the city or county does not deem the application incomplete within 14 days.
- Permits submitted after 3/31/25, that are not approved or denied with cause within the required timeframe will be deemed approved if:
  - the project permit involves more than five dwelling units and at least 20 percent of the dwelling units are affordable to low-income households; or
  - the project permit involves more than five dwelling units and all dwelling units are affordable to moderate-income households.
- Requires a permit for a residential or mixed-use residential project meeting affordable housing requirements to be deemed approved if the permit review is not completed within the required timeframe.
- Prohibits a city or county from imposing real estate excise taxes on the first sale of a residential or mixed-use residential property unless the permit was issued within the required timeframe.

**Sponsors:** *Representatives Reed, Hutchins, Fosse, Macri*

**STATUS HB:** **DEAD** – House Finance Committee

## 3. HB 1404/SB 5117 – Reforms to Building Code Council

- Reforms the State Building Code Council.
- This bill would look at trying to reform the board, define its authority and create legislative oversight.

**Sponsors:** *Representatives Goehner, Chapman, Corry, Jacobsen, Griffey, Rude, Couture, Christian, Cheney, Barkis, Stokesbary, Barnard; Senators Wilson, L., Braun, Dozier, Fortunato, Gildon, King, MacEwen, McCune, Short, Warnick*

**STATUS HB:** **DEAD** – House Local Government Committee

**STATUS SB:** **DEAD** – Senate State Government & Elections Committee

#### 4. HB 1252 – Impact Fees

- Modifies the impact fee deferral requirements by making certain changes including removing the lien and foreclosure requirements, the limits on the number of deferrals allowed per applicant, and the provision related to collection of administrative fees

**Sponsors:** *Representatives Bateman, Hutchins, Barkis, Fitzgibbon, Robertson, Tharinger, Reed, Christian, Schmidt, Pollet*

**STATUS HB:** House Rules Committee

#### 5. HB 1296/SB 5290 – Permit Streamlining

- Requires local governments to exclude interior alterations from site plan review, except under certain conditions.
- Requires the Department of Commerce (Department) to establish a Consolidated Permit Review Grant Program to administer grants to local governments that agree to comply with a specified residential permit application timeline and that establish a fee structure to enable the local government to continue providing review within that timeline.
- Requires the Department to administer a grant program for local governments that are transitioning from paper permit review systems to digital systems.
- Requires the Department to convene a Digital Permitting Process Work Group to examine aspects of digital permitting systems, with a report to the Legislature and the Governor due August 1, 2024.

**Sponsors:** *Representatives Peterson, Tharinger, Senn, Bateman, Lekanoff, Ramel, Reed, Pollet, Leavitt; Senators Mullet, Kuderer, Fortunato, Liias, Nobles, Saldaña, Wilson, C.*

**STATUS HB:** **DEAD** – House Appropriations Committee

**STATUS SB:** Senate Rules Committee

#### 6. HB 1026 – Design Review

- Requires any design review of housing development permit applications to be conducted administratively by local government employees, unless the structure or district is listed on a local, state, or federal historic register.

**Sponsors:** *Representatives Walen, Duerr, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Macri, Tharinger, Wylie, Santos*

**STATUS HB:** House Floor

#### 7. HB 1298/SB 5258 – Condo Reform

- Modifies requirements and scope of construction defect actions. Clarifies warranties and disclaimer of warranties related to developers of condominiums subject to the Washington Uniform Common Interest Ownership Act.
- Modifies deposit requirements and local government planning related to the construction of condominiums.

- Exempts sales of condominium units to eligible first-time homebuyers from the real estate excise tax.

**Sponsors:** *Representatives Hutchins, Walen, Barkis, Klicker, Cheney, Bateman, Doglio, Gregerson, Leavitt; Senators Shewmake, Gildon, Billig, Lias, Lovick, Nguyen, Nobles, Randall, Wellman*

**STATUS HB:**       **DEAD** – House Civil Rights & Judiciary Committee

**STATUS SB:**       **DEAD** – Senate Ways & Means Committee

## 8. HB 1110/SB 5190 – Middle Housing

### Original Bill

- Requires certain cities planning under the Growth Management Act to authorize minimum development densities in residential zones.
- Establishes requirements for middle housing development regulations.
- Requires the Department of Commerce to provide technical assistance to cities in implementing the requirements and to develop model missing housing ordinances.

### Amended Bill

- Modifies density requirements and population thresholds.
- Requires any combination of middle housing types to be allowed to achieve the required unit density.
- Modifies the maximum parking that may be required to one or two off-street parking spaces per unit, instead of per lot, and provides an exemption from the parking provisions under certain circumstances.
- Requires Commerce to publish model middle housing ordinances no later than six months after the effective date of the bill, instead of 18 months after the effective date of the bill.
- Allows cities to apply to Commerce for an extension in implementing the Act's requirements in areas at risk of displacement and removes provisions related to the antidisplacement measures in the mandatory housing element.
- Requires cities to allow development in areas with water, sewer, or stormwater deficiencies if the developer commits to providing the infrastructure.

**Sponsors:** *Representatives Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse, Ormsby; Senators Trudeau, Lovelett, Braun, Frame, Hasegawa, Hunt, Kuderer, Lias, Nguyen, Nobles, Pedersen, Shewmake, Wilson, C.*

**STATUS HB:**       House Rules Committee

**STATUS SB:**       **DEAD** – Senate Ways & Means Committee

## 9. HB 1245/ SB 5364 – Lot Splitting

- Requires cities to allow the splitting of a single residential lot if specific conditions are met.

- Prohibits cities from imposing certain regulations on a residential lot that is the result of a lot split.

**Amended HB:**

- Requires cities to allow the splitting of a single residential lot if specific conditions are met.
- Prohibits cities from imposing certain regulations on a residential lot that is the result of a lot split.

**Sponsors:** *Representatives Barkis, Robertson, Wylie, Fitzgibbon, Peterson, Walsh, Chambers, Kloba, Gregerson, Graham, Waters, Reed, Walen, Christian, Riccelli, Macri, Bateman, Doglio; Senators Frame, Gildon, Liias, Nguyen, Saldaña, Shewmake, Torres, Van De Wege, Wilson, C.*

**STATUS HB:** House Floor

**STATUS SB:** Senate Rules Committee

**10. HB 1042 – Existing Building**

- Prohibits cities from imposing certain restrictions or requirements on new housing units constructed within an existing building that is located in a zone that permits multifamily housing.

**Substitute Bill:**

- Increases the value limit for certain exemptions of personal property from execution, attachment, and garnishment.
- Clarifies that in the case of married persons, each spouse is entitled to the exemptions of personal property from execution, attachment, and garnishment.
- Requires that each dollar amount be adjusted every three years, beginning April 1, 2026, by the Department of Revenue to reflect changes in the consumer price index seasonally adjusted for all urban consumers, all items, for the United States, as calculated by the United States Bureau of Labor Statistics.
- Exempts worker's compensation payments from execution, attachment, or garnishment.
- Requires the State Building Code Council to amend the State Energy Code to waive the requirement for an existing building to meet current energy code requirements solely due to the addition of new dwelling units in the building.

**Sponsors:** *Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos, Ormsby*

**STATUS HB:** Senate Housing Committee

**11. HB 1351/ SB 5456 – Parking Requirements**

- Removes existing minimum residential parking requirements for cities and counties planning under the Growth Management Act (GMA).
- Prohibits cities and counties planning under the GMA from imposing minimum parking requirements within certain distances of transit stops receiving various levels of transit services, with exceptions.

**HB 1351 Amendment:**

- Changes the distance within which counties and cities are prohibited from imposing parking minimums under certain circumstances from one-half mile to one-quarter mile, and specifies that the distance is measured based on walking distance.
- Allows off-street parking requirements for parking that is permanently marked for the exclusive use of individuals with disabilities.
- Allows a county or city to impose minimum parking requirements despite the prohibition, if the county or city demonstrates that not imposing minimum parking requirements would have a substantially negative impact on existing residential commercial parking.
- Adds additional requirements that must be satisfied in order for counties and cities to impose minimum parking requirements without demonstrating substantial negative impacts.
- Adds a definition of "planned transit."

**Sponsors:** *Representatives Reed, Berry, Duerr, Fitzgibbon, Peterson, Ramel, Simmons, Bateman, Doglio, Tharinger, Alvarado, Macri, Berg; Senators Frame, Liias, Kuderer, Lovelett, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Valdez*

**STATUS HB:** House Rules Committee

**STATUS SB:** **DEAD** – Senate Local Government, Land Use & Tribal Affairs Committee

**12. HB 1517/ SB 5466 – Transit Oriented Development**

- Establishes that cities planning under the Growth Management Act (GMA) may not enact or enforce any new development regulation within a station area or station hub that prohibits the siting of multifamily residential housing on parcels where any other residential use is permissible, with some exceptions.
- Establishes that cities planning under the GMA may not enact or enforce any new development regulation within a station area or station hub that imposes a maximum floor area ratio of less than the applicable transit-oriented density for any use otherwise permitted, or imposes a maximum residential density, measured in residential units per acre or other metric of land area.
- Provides that, to encourage transit-oriented development and transit use and resulting substantial environmental benefits, counties and cities planning under GMA may not require off-street parking as a condition of permitting development within a station area.
- Requires the Department of Transportation to provide technical assistance and establish grant programs.
- Expands the categorical exemption for infill development to facilitate the timely and certain deployment of sustainable transit-oriented development.

**Sponsors:** *Representatives Reed, Taylor, Ramel, Berg, Peterson, Stonier, Walen, Wylie, Simmons, Fitzgibbon, Chapman, Berry, Slatter, Mena, Barkis, Rule, Duerr, Gregerson, Chambers, Bateman, Cortes, Doglio, Pollet, Low, Fosse, Tharinger; Senators Liias, Gildon,*

*Kuderer, Lovelett, MacEwen, Mullet, Braun, Billig, Dhingra, Frame, Hunt, Kauffman, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Shewmake, Stanford, Valdez, Van De Wege, Wilson, C.*

**STATUS HB:** DEAD – House Housing Committee

**STATUS SB:** Senate Rules Committee

## Public Safety Bills

### 1. SB 5056 – Habitual Property Offender

- Creates a special allegation for a habitual property offender.
- Requires a person found beyond a reasonable doubt to be a habitual property offender to be sentenced to an additional 24 months in total confinement for a Class B felony, and an additional 12 months for a Class C felony.
- All habitual property offender enhancements are mandatory and must be served in jail.

**Sponsors:** *Senators Padden, Fortunato, Gildon, Wilson, L.*

**STATUS SB:** Senate Floor

### 2. HB 1065/SB 5062 – Online Marketplaces Consumer Theft and Safety Protection

- Requires online marketplaces to obtain and verify banking, contact, and tax info from high-volume third-party sellers; disclose of contact and business info for such sellers; and provides a mechanism for consumers to report suspicious activity.
- Provides for enforcement through the Consumer Protection Act; grants the Attorney General enforcement authority; and authorizes the Attorney General to develop certain implementing regulations.
- Preempts local requirements for online marketplaces to verify or disclose information from high-volume third-party sellers.

**Sponsors:** *Representatives Ryu, Reed, Callan, Wylie, Kloba, Ormsby; Senators Lovick, Kuderer, King, Salomon, Short, Conway, Dhingra, Robinson, Stanford, Torres, Wellman, Wilson, C., Wilson, L.*

**STATUS HB:** DEAD – House Consumer Protection & Business Committee

**STATUS SB:** DEAD – Senate Environment, Energy & Technology Committee

### 3. HB 1456 – Changing the Definition of Theft

- Currently concealing property for the purpose of stealing is not a crime and needs to be added to the definition.
- Amends the definition of "theft" to include concealing the property of another intending to deprive the other person of its use or benefit.
- Allows for enforcement of theft before someone has left the store if they are concealing property.

**Sponsors:** *Representatives Griffey, Volz, Abbarno, Couture, Mosbrucker, Graham, Chapman, Christian, Schmidt, Caldier, Jacobsen.*

**STATUS HB:** DEAD – House Community Safety, Justice, & Reentry Committee



#### 4. SB 5160 – Organized Retail Theft Crime

- A person is guilty of organized retail theft in the 2nd degree if the person commits theft of property with a cumulative value of at least \$750 from a mercantile establishment:
  - With no less than two accomplices, and
  - Each accomplice enters the mercantile establishment within five minutes of each other seeking participation in the theft.

**Sponsors:** *Senators Torres, Boehnke, Fortunato, Holy, Rolfes, Schoesler, Shewmake, Warnick and Wilson, L.*

**STATUS SB:** Senate Floor

#### 5. SB 5259 – Creating an Organized Retail Theft Task Force

- Creates the Washington state organized retail theft task force.
- Establishes a business and occupation tax credit for physical security improvements to mercantile establishments.
- Reduces the cannabis excise tax for physical security improvements to cannabis retail establishments.
- Prohibits certain retail establishments from disciplining an individual who intervenes for investigating or questioning the ownership of merchandise at a mercantile establishment.

**Sponsors:** *Senators Keiser, King, Conway, Lovick, Hunt, Kuderer, Nobles and Wilson, C..*

**STATUS SB:** DEAD – Senate Ways & Means Committee

#### 6. HB 1363/SB 5352 – Police Vehicular Pursuit

- Restores previous law allowing police pursuit.
- Lowers the evidentiary threshold required for engaging in a vehicular pursuit by allowing an officer to conduct the vehicular pursuit if the officer has reasonable suspicion that a person has committed or is committing any criminal offense.
- Eliminates the provisions limiting a vehicular pursuit to situations where the vehicular pursuit is necessary for the purpose of identifying or apprehending a person, the person poses an imminent threat to the safety of others, and the officer receives authorization from a supervisor and there is supervisory control.
- Modifies certain vehicular pursuit requirements related to supervisory oversight and establishes new requirements related to direct communication with specified entities, development of a plan to end the vehicular pursuit, and the pursuing officer's training and certifications.

**Sponsors:** *Representatives Rule, Robertson, Shavers, Mosbrucker, Reeves, Leavitt, Paul, Griffey, Timmons, Bronoske, Klicker, Walen, Hackney, Couture, Maycumber, Corry, Cortes, McClintock, Davis, Bergquist, Christian, Connors, Dent, Jacobsen, Sandlin, Rude, Stokesbury, Barkis, Graham, Chapman, Ryu, Lekanoff, Wylie, Springer, Callan, Cheney, Orcutt, Stonier,*

*Caldier, Berg; Senators Lovick, MacEwen, Cleveland, Conway, Gildon, Holy, Hunt, Mullet, Rolfes, Salomon, Short, Torres, Van De Wege, Warnick, Wilson, L.*

**STATUS HB:** House Rules Committee

**STATUS SB:** **DEAD** – Senate Law & Justice Committee

**7. HB 1586/SB 5533 – Police Vehicular Pursuit Workgroup**

- Creates a model vehicle pursuit policy work group within the Criminal Justice Training Commission (CJTC).
- Requires the CJTC to convene a work group by June 30, 2023, to develop recommendations related to vehicular pursuits by law enforcement.
- Requires the CJTC to develop and implement a vehicular pursuit technology grant program by October 31, 2023, for the purpose of providing modern vehicular pursuit management technology to local law enforcement agencies.

**Sponsors:** *Representatives Goodman, Doglio, Lekanoff and Pollet; Senators Lovick, Randall, Dhingra, Hunt, Liias, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Saldaña, Shewmake and Van De Wege.*

**STATUS HB:** House Floor

**STATUS SB:** **DEAD** – Senate Ways & Means Committee

