
HOUSE BILL 2971

State of Washington 64th Legislature 2016 Regular Session

By Representatives McBride and Nealey

Read first time 02/04/16. Referred to Committee on Finance.

1 AN ACT Relating to real estate as it concerns the local
2 government authority in the use of real estate excise tax revenues
3 and regulating real estate transactions; and amending RCW 64.06.080,
4 82.46.015, and 82.46.037.

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

6 **Sec. 1.** RCW 64.06.080 and 2015 2nd sp.s. c 10 s 4 are each
7 amended to read as follows:

8 (1) Any ordinance, resolution, or policy adopted by a city or
9 county that imposes a requirement on landlords or sellers of real
10 property, or their agents, to provide information to a buyer or
11 tenant pertaining to the subject property or the surrounding area is
12 effective only after both a summary of, and either an internet link
13 to or the actual language of, the ordinance, resolution, or policy is
14 posted electronically in accordance with RCW 43.110.030(2)(e).

15 (2) If, prior to September 26, 2015, a city or county adopted an
16 ordinance, resolution, or policy that imposes a requirement on
17 landlords or sellers of real property, or their agents, to provide
18 information to a buyer or tenant pertaining to the subject property
19 or the surrounding area, the city or county must cause a summary of,
20 and an internet link to or the actual language of, the ordinance,
21 resolution, or policy to be posted electronically in accordance with

1 RCW 43.110.030(2)(e) within ninety days of September 26, 2015, or the
2 requirement (~~shall~~) must thereafter cease to be in effect.

3 **Sec. 2.** RCW 82.46.015 and 2015 2nd sp.s. c 10 s 2 are each
4 amended to read as follows:

5 (1) A city or county that meets the requirements of subsection
6 (2) of this section may use the greater of one hundred thousand
7 dollars or twenty-five percent of available funds, but not to exceed
8 one million dollars per year, from revenues collected under RCW
9 82.46.010 for the maintenance of capital projects, as defined in RCW
10 82.46.010(6)(b).

11 (2) A city or county may use revenues pursuant to subsection (1)
12 of this section if:

13 (a) The city or county prepares a written report demonstrating
14 that it has or will have adequate funding from all sources of public
15 funding to pay for all capital projects, as defined in RCW 82.46.010,
16 identified in its capital facilities plan for the succeeding two-year
17 period. Cities or counties not required to prepare a capital
18 facilities plan may satisfy this provision by using a document that,
19 at a minimum, identifies capital project needs and available public
20 funding sources for the succeeding two-year period; and

21 (b)(i) The city or county has not enacted, after September 26,
22 2015(~~τ~~);

23 (A) Any requirement on the listing(~~τ-leasingτ~~) or sale of real
24 property(~~τ-unless the requirement is~~); or

25 (B) Any requirement on landlords to perform or provide physical
26 improvements or modifications to real property or fixtures, except if
27 necessary to address an immediate threat to public health or safety;
28 or

29 (ii) If a city or county has adopted a local requirement under
30 (b)(i)(A) or (B) of this subsection, the requirement must be either
31 specifically authorized by state or federal law or (~~is~~) must be a
32 seller or landlord disclosure requirement pursuant to RCW 64.06.080.

33 (3) The report prepared under subsection (2)(a) of this section
34 must: (a) Include information necessary to determine compliance with
35 the requirements of subsection (2)(a) of this section; (b) identify
36 how revenues collected under RCW 82.46.010 were used by the city or
37 county during the prior two-year period; (c) identify how funds
38 authorized under subsection (1) of this section will be used during
39 the succeeding two-year period; and (d) identify what percentage of

1 funding for capital projects within the city or county is
2 attributable to revenues under RCW 82.46.010 compared to all other
3 sources of capital project funding. The city or county must prepare
4 and adopt the report as part of its regular, public budget process.

5 (4) The authority to use funds as authorized in this section is
6 in addition to the authority to use funds pursuant to RCW
7 82.46.010(7), which remains in effect through December 31, 2016.

8 (5) For purposes of this section, "maintenance" means the use of
9 funds for labor and materials that will preserve, prevent the decline
10 of, or extend the useful life of a capital project. "Maintenance"
11 does not include labor or material costs for routine operations of a
12 capital project.

13 **Sec. 3.** RCW 82.46.037 and 2015 2nd sp.s. c 10 s 3 are each
14 amended to read as follows:

15 (1) A city or county that meets the requirements of subsection
16 (2) of this section may use the greater of one hundred thousand
17 dollars or twenty-five percent of available funds, but not to exceed
18 one million dollars per year, from revenues collected under RCW
19 82.46.035 for:

20 (a) The maintenance of capital projects, as defined in RCW
21 82.46.035(5); or

22 (b) The planning, acquisition, construction, reconstruction,
23 repair, replacement, rehabilitation, improvement, or maintenance of
24 capital projects as defined in RCW 82.46.010(6)(b) that are not also
25 included within the definition of capital projects in RCW
26 82.46.035(5).

27 (2) A city or county may use revenues pursuant to subsection (1)
28 of this section if:

29 (a) The city or county prepares a written report demonstrating
30 that it has or will have adequate funding from all sources of public
31 funding to pay for all capital projects, as defined in RCW
32 82.46.035(5), identified in its capital facilities plan for the
33 succeeding two-year period; and

34 (b)(i) The city or county has not enacted, after September 26,
35 2015(~~(7)~~):

36 (A) Any requirement on the listing(~~(7-leasing7)~~) or sale of real
37 property(~~(7-unless the requirement is)~~); or

38 (B) Any requirement on landlords to perform or provide physical
39 improvements or modifications to real property or fixtures, except if

1 necessary to address an immediate threat to public health or safety;
2 or

3 (ii) If a city or county has adopted a local requirement under
4 (b)(i)(A) or (B) of this subsection, the requirement must be either
5 specifically authorized by state or federal law or ((is)) must be a
6 seller or landlord disclosure requirement pursuant to RCW 64.06.080.

7 (3) The report prepared under subsection (2)(a) of this section
8 must: (a) Include information necessary to determine compliance with
9 the requirements of subsection (2)(a) of this section; (b) identify
10 how revenues collected under RCW 82.46.035 were used by the city or
11 county during the prior two-year period; (c) identify how funds
12 authorized under subsection (1) of this section will be used during
13 the succeeding two-year period; and (d) identify what percentage of
14 funding for capital projects within the city or county is
15 attributable to revenues under RCW 82.46.035 compared to all other
16 sources of capital project funding. The city or county must prepare
17 and adopt the report as part of its regular, public budget process.

18 (4) The authority to use funds as authorized in this section is
19 in addition to the authority to use funds pursuant to RCW
20 82.46.035(7), which remains in effect through December 31, 2016.

21 (5) For purposes of this section, "maintenance" means the use of
22 funds for labor and materials that will preserve, prevent the decline
23 of, or extend the useful life of a capital project. "Maintenance"
24 does not include labor or material costs for routine operations of a
25 capital project.

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