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By Representatives J. Kohl, Wineberry, G. Cole and Holm

Read first time 02/19/93. Referred to Committee on Trade, Economic Development & Housing.

1 AN ACT Relating to parking and business improvement areas; and
2 amending RCW 35.87A.010, 35.87A.020, 35.87A.030, 35.87A.050,
3 35.87A.060, 35.87A.080, 35.87A.090, 35.87A.100, 35.87A.140, and
4 35.87A.170.

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

6 **Sec. 1.** RCW 35.87A.010 and 1985 c 128 s 1 are each amended to read
7 as follows:

8 To aid general economic development and neighborhood
9 revitalization, and to facilitate ((merchant and business)) the
10 cooperation of merchants, businesses, and residential property owners
11 which assists trade, economic viability, and liveability, the
12 legislature hereby authorizes all counties and all incorporated cities
13 and towns, including unclassified cities and towns operating under
14 special charters:

15 (1) To establish, after a petition submitted by the operators
16 responsible for 60 percent of the assessments by businesses and
17 multifamily residential or mixed-use projects within the area, parking
18 and business improvement areas, hereafter referred to as area or areas,
19 for the following purposes:

1 (a) The acquisition, construction or maintenance of parking
2 facilities for the benefit of the area;

3 (b) Decoration of any public place in the area;

4 (c) Promotion of public events which are to take place on or in
5 public places in the area;

6 (d) Furnishing of music in any public place in the area;

7 (e) Providing professional management, planning, and promotion for
8 the area, including the management and promotion of retail trade
9 activities in the area; or

10 (f) Providing maintenance and security for common, public areas.

11 (2) To levy special assessments on all businesses and multifamily
12 residential or mixed-use projects within the area and specially
13 benefited by a parking and business improvement area to pay in whole or
14 in part the damages or costs incurred therein as provided in this
15 chapter.

16 **Sec. 2.** RCW 35.87A.020 and 1971 ex.s. c 45 s 2 are each amended to
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

20 (1) "Business" (~~as used in this chapter~~) means all types of
21 business, including professions.

22 (2) "Legislative authority" (~~as used in this chapter~~) means the
23 legislative authority of any city or town including unclassified cities
24 or towns operating under special charters or the legislative authority
25 of any county.

26 (3) "Multifamily residential or mixed-use project" means any
27 building or buildings containing four or more residential units or a
28 combination of residential and commercial units, whether title to the
29 entire property is held in single or undivided ownership or title to
30 individual units is held by owners who also, directly or indirectly
31 through an association, own real property in common with the other unit
32 owners.

33 (4) "Residential operator" means the owner or operator of a
34 multifamily residential or mixed-use project if title is held in single
35 or undivided ownership, or, if title is held in a form of common
36 interest ownership, the association of unit owners, condominium
37 association, homeowners association, property owners association, or
38 residential cooperative corporation.

1 **Sec. 3.** RCW 35.87A.030 and 1971 ex.s. c 45 s 3 are each amended to
2 read as follows:

3 For the purpose of establishing a parking and business improvement
4 area, an initiation petition may be presented to the legislative
5 authority having jurisdiction of the area in which the proposed parking
6 and business improvement area is to be located or the legislative
7 authority may by resolution initiate a parking and business improvement
8 area. The initiation petition or resolution shall contain the
9 following:

- 10 (1) A description of the boundaries of the proposed area;
- 11 (2) The proposed uses and projects to which the proposed special
12 assessment revenues shall be put and the total estimated cost thereof;
- 13 (3) The estimated rate of levy of special assessment with a
14 proposed breakdown by class of business and multifamily residential or
15 mixed-use project if such classification is to be used.

16 The initiating petition shall also contain the signatures of the
17 persons who operate businesses and residential operators in the
18 proposed area which would pay fifty percent of the proposed special
19 assessments.

20 **Sec. 4.** RCW 35.87A.050 and 1971 ex.s. c 45 s 5 are each amended to
21 read as follows:

22 Notice of a hearing held under the provisions of this chapter shall
23 be given by:

- 24 (1) One publication of the resolution of intention in a newspaper
25 of general circulation in the city; and
- 26 (2) Mailing a complete copy of the resolution of intention to each
27 business and multifamily residential or mixed-use project in the
28 proposed, or established, area. Publication and mailing shall be
29 completed at least ten days prior to the time of the hearing.

30 **Sec. 5.** RCW 35.87A.060 and 1971 ex.s. c 45 s 6 are each amended to
31 read as follows:

32 Whenever a hearing is held under this chapter, the legislative
33 authority shall hear all protests and receive evidence for or against
34 the proposed action. The legislative authority may continue the
35 hearing from time to time. Proceedings shall terminate if protest is
36 made by businesses and residential operators in the proposed area which
37 would pay a majority of the proposed special assessments.

1 **Sec. 6.** RCW 35.87A.080 and 1985 c 128 s 2 are each amended to read
2 as follows:

3 For purposes of the special assessments to be imposed pursuant to
4 this chapter, the legislative authority may make a reasonable
5 classification of businesses and multifamily residential or mixed-use
6 projects, giving consideration to various factors such as business and
7 occupation taxes imposed, square footage of the business, number of
8 employees, gross sales, or any other reasonable factor relating to the
9 benefit received, including the degree of benefit received from
10 parking. Whenever it is proposed that a parking and business
11 improvement area provide more than one of the purposes listed in RCW
12 35.87A.010, special assessments may be imposed in a manner that
13 measures benefit from each of the separate purposes, or any combination
14 of the separate purposes. Special assessments shall be imposed and
15 collected annually, or on another basis specified in the ordinance
16 establishing the parking and business improvement area.

17 **Sec. 7.** RCW 35.87A.090 and 1971 ex.s. c 45 s 9 are each amended to
18 read as follows:

19 The special assessments need not be imposed on different classes of
20 business and multifamily residential or mixed-use projects, as
21 determined pursuant to RCW 35.87A.080, on the same basis or the same
22 rate(~~(:—PROVIDED, HOWEVER, That)~~). The special assessments imposed
23 for the purpose of the acquisition, construction or maintenance of
24 parking facilities for the benefit of the area shall be imposed on the
25 basis of benefit determined by the legislative authority after giving
26 consideration to the total cost to be recovered from the businesses and
27 multifamily residential or mixed-use projects upon which the special
28 assessment is to be imposed, the total area within the boundaries of
29 the parking and business improvement area, the assessed value of the
30 land and improvements within the area, the total business volume
31 generated within the area and within each business, and such other
32 factors as the legislative authority may find and determine to be a
33 reasonable measure of such benefit.

34 **Sec. 8.** RCW 35.87A.100 and 1971 ex.s. c 45 s 10 are each amended
35 to read as follows:

1 If the legislative authority, following the hearing, decides to
2 establish the proposed area, it shall adopt an ordinance to that
3 effect. This ordinance shall contain the following information:

4 (1) The number, date and title of the resolution of intention
5 pursuant to which it was adopted;

6 (2) The time and place the hearing was held concerning the
7 formation of such area;

8 (3) The description of the boundaries of such area;

9 (4) A statement that the businesses and multifamily residential or
10 mixed-use projects in the area established by the ordinance shall be
11 subject to the provisions of the special assessments authorized by RCW
12 35.87A.010;

13 (5) The initial or additional rate or levy of special assessment to
14 be imposed with a breakdown by classification of business and
15 multifamily residential or mixed-use project, if such classification is
16 used; and

17 (6) A statement that a parking and business improvement area has
18 been established.

19 (7) The uses to which the special assessment revenue shall be
20 put(~~(: PROVIDED, HOWEVER, That such)~~). Uses shall conform to the uses
21 as declared in the initiation petition presented pursuant to RCW
22 35.87A.030.

23 **Sec. 9.** RCW 35.87A.140 and 1971 ex.s. c 45 s 14 are each amended
24 to read as follows:

25 Changes may be made in the rate or additional rate of special
26 assessment as specified in the ordinance establishing the area, by
27 ordinance adopted after a hearing before the legislative authority.

28 The legislative authority shall adopt a resolution of intention to
29 change the rate or additional rate of special assessment at least
30 fifteen days prior to the hearing required by this section. This
31 resolution shall specify the proposed change and shall give the time
32 and place of the hearing(~~(: PROVIDED, That)~~). Proceedings to change
33 the rate or impose an additional rate of special assessments shall
34 terminate if protest is made by businesses or multifamily residential
35 or mixed-use projects in the proposed area which would pay a majority
36 of the proposed increase or additional special assessments.

1 **Sec. 10.** RCW 35.87A.170 and 1971 ex.s. c 45 s 17 are each amended
2 to read as follows:

3 Businesses or multifamily residential or mixed-use projects
4 established after the creation of an area within the area may be
5 exempted from the special assessments imposed pursuant to this chapter
6 for a period not exceeding one year from the date they commenced
7 business in the area.

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