
SENATE BILL 6388

State of Washington

66th Legislature

2020 Regular Session

By Senator Zeiger

1 AN ACT Relating to impact fees for multifamily and single-family
2 housing; and amending RCW 82.02.060.

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

4 **Sec. 1.** RCW 82.02.060 and 2012 c 200 s 1 are each amended to
5 read as follows:

6 The local ordinance by which impact fees are imposed:

7 (1) Shall include a schedule of impact fees which shall be
8 adopted for each type of development activity that is subject to
9 impact fees, specifying the amount of the impact fee to be imposed
10 for each type of system improvement. The schedule shall be based upon
11 a formula or other method of calculating such impact fees. In
12 determining proportionate share, the formula or other method of
13 calculating impact fees shall incorporate, among other things, the
14 following:

15 (a) The cost of public facilities necessitated by new
16 development;

17 (b) An adjustment to the cost of the public facilities for past
18 or future payments made or reasonably anticipated to be made by new
19 development to pay for particular system improvements in the form of
20 user fees, debt service payments, taxes, or other payments earmarked
21 for or proratable to the particular system improvement;

1 (c) The availability of other means of funding public facility
2 improvements;

3 (d) The cost of existing public facilities improvements; and

4 (e) The methods by which public facilities improvements were
5 financed;

6 (2) May provide an exemption for low-income housing, and other
7 development activities with broad public purposes, from these impact
8 fees, provided that the impact fees for such development activity
9 shall be paid from public funds other than impact fee accounts;

10 (3) May provide an exemption from impact fees for low-income
11 housing. Local governments that grant exemptions for low-income
12 housing under this subsection (3) may either: Grant a partial
13 exemption of not more than eighty percent of impact fees, in which
14 case there is no explicit requirement to pay the exempted portion of
15 the fee from public funds other than impact fee accounts; or provide
16 a full waiver, in which case the remaining percentage of the exempted
17 fee must be paid from public funds other than impact fee accounts. An
18 exemption for low-income housing granted under subsection (2) of this
19 section or this subsection (3) must be conditioned upon requiring the
20 developer to record a covenant that, except as provided otherwise by
21 this subsection, prohibits using the property for any purpose other
22 than for low-income housing. At a minimum, the covenant must address
23 price restrictions and household income limits for the low-income
24 housing, and that if the property is converted to a use other than
25 for low-income housing, the property owner must pay the applicable
26 impact fees in effect at the time of conversion. Covenants required
27 by this subsection must be recorded with the applicable county
28 auditor or recording officer. A local government granting an
29 exemption under subsection (2) of this section or this subsection (3)
30 for low-income housing may not collect revenue lost through granting
31 an exemption by increasing impact fees unrelated to the exemption. A
32 school district who receives school impact fees must approve any
33 exemption under subsection (2) of this section or this subsection
34 (3);

35 (4) May not charge a higher per unit fee for multifamily
36 residential construction than for single-family residential
37 construction;

38 (5) Shall provide a credit for the value of any dedication of
39 land for, improvement to, or new construction of any system
40 improvements provided by the developer, to facilities that are

1 identified in the capital facilities plan and that are required by
2 the county, city, or town as a condition of approving the development
3 activity;

4 ~~((5))~~ (6) Shall allow the county, city, or town imposing the
5 impact fees to adjust the standard impact fee at the time the fee is
6 imposed to consider unusual circumstances in specific cases to ensure
7 that impact fees are imposed fairly;

8 ~~((6))~~ (7) Shall include a provision for calculating the amount
9 of the fee to be imposed on a particular development that permits
10 consideration of studies and data submitted by the developer to
11 adjust the amount of the fee;

12 ~~((7))~~ (8) Shall establish one or more reasonable service areas
13 within which it shall calculate and impose impact fees for various
14 land use categories per unit of development; and

15 ~~((8))~~ (9) May provide for the imposition of an impact fee for
16 system improvement costs previously incurred by a county, city, or
17 town to the extent that new growth and development will be served by
18 the previously constructed improvements provided such fee shall not
19 be imposed to make up for any system improvement deficiencies.

20 For purposes of this section, "low-income housing" means housing
21 with a monthly housing expense, that is no greater than thirty
22 percent of eighty percent of the median family income adjusted for
23 family size, for the county where the project is located, as reported
24 by the United States department of housing and urban development.

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