
HOUSE BILL 1331

State of Washington

67th Legislature

2021 Regular Session

By Representatives Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter, and Peterson

Read first time 01/20/21. Referred to Committee on Local Government.

1 AN ACT Relating to early learning facility impact fees; and
2 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, including
8 development of an early learning facility, from these impact fees,
9 provided that the impact fees for such development activity shall be
10 paid from public funds other than impact fee accounts;

11 (3) May not impose an impact fee on development activities of an
12 early learning facility greater than that imposed on similarly sized
13 commercial retail or commercial office development activities;

14 (4) May provide an exemption from impact fees for low-income
15 housing. Local governments that grant exemptions for low-income
16 housing under this subsection (~~((3))~~) (4) may either: Grant a partial
17 exemption of not more than eighty percent of impact fees, in which
18 case there is no explicit requirement to pay the exempted portion of
19 the fee from public funds other than impact fee accounts; or provide
20 a full waiver, in which case the remaining percentage of the exempted
21 fee must be paid from public funds other than impact fee accounts. An
22 exemption for low-income housing granted under subsection (2) of this
23 section or this subsection (~~((3))~~) (4) must be conditioned upon
24 requiring the developer to record a covenant that, except as provided
25 otherwise by this subsection, prohibits using the property for any
26 purpose other than for low-income housing. At a minimum, the covenant
27 must address price restrictions and household income limits for the
28 low-income housing, and that if the property is converted to a use
29 other than for low-income housing, the property owner must pay the
30 applicable impact fees in effect at the time of conversion. Covenants
31 required by this subsection must be recorded with the applicable
32 county auditor or recording officer. A local government granting an
33 exemption under subsection (2) of this section or this subsection
34 (~~((3))~~) (4) for low-income housing may not collect revenue lost
35 through granting an exemption by increasing impact fees unrelated to
36 the exemption. A school district who receives school impact fees must
37 approve any exemption under subsection (2) of this section or this
38 subsection (~~((3))~~) (4);

39 (~~((4))~~) (5) Shall provide a credit for the value of any
40 dedication of land for, improvement to, or new construction of any

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

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

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

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

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

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

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