

Title 365 WAC

COMMUNITY DEVELOPMENT, DEPARTMENT OF

(Formerly: Planning and Community Affairs Agency)

Chapters

- 365-04 General procedures.
- 365-06 Public records.
- 365-08 Uniform procedural rules.
- 365-24 Uniform relocation assistance and real property acquisition.
- 365-40 State funding of local Head Start programs.
- 365-60 State administration of the local Section 8 housing assistance payments program.
- 365-70 Allocating single family housing bonds among local housing agencies.
- 365-80 Fire protection contracts for state facilities with cities and towns.
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- 365-140 State funding of local emergency food programs.
- 365-150 Washington state development loan fund.
- 365-170 State funding for local early childhood education and assistance programs.
- 365-180 Energy matchmakers.

Reviser's note: The department of community development reaffirmed and assumed all rules made by the former planning and community affairs agency by the filing of WSR 84-14-064 on June 30, 1984. The reaffirmed chapters within Title 365 are as follows: Chapters 365-04, 365-06, 365-08, 365-12, 365-14, 365-22, 365-24, 365-31, 365-40, 365-60, 365-70, 365-80, and 365-90 WAC.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 365-12

REGULATIONS REGARDING RECOGNITION AND APPROVAL OF REGIONAL PLANNING AGENCIES FOR COMPREHENSIVE HEALTH PLANNING

- 365-12-010 Declaration of public policy. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-010, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-020 Definitions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-020, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-030 Regional planning agencies—Establishment. [Assumed and reaffirmed by the department of

community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-030, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-040 Functions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-040, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-050 Recognition and approval. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-050, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-060 Procedure. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-060, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-070 Criteria. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/85. Order 73-2, § 365-12-070, filed 6/29/73; Order 72-2, § 365-12-070, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-080 Rejection. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-080, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-090 Withdrawal. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-090, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-100 Notification requirements. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-100, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-12-110 Declaration of emergency. [Order 72-2, § 365-12-110, filed 1/31/72 and Emergency Order 72-1, filed 1/18/72.] Decodified.

Chapter 365-14

FUNDING OF REGIONAL COMPREHENSIVE HEALTH PLANNING AGENCIES

365-14-010 General purpose. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-010, filed 3/4/77, effective 3/4/77; Order 72-6, § 365-14-010, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

365-14-020 Eligibility of applicants. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-020, filed 3/4/77, effective 3/4/77; Order 73-2, § 365-14-020,

- filed 6/29/73; Order 72-6, § 365-14-020, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-030 Application process. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 73-2, § 365-14-030, filed 6/29/73; Order 72-6, § 365-14-030, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-040 Action by agency regarding application. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-6, § 365-14-040, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-050 Funding allocation basis. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-050, filed 3/4/77, effective 3/4/77; Order 73-2, § 365-14-050, filed 6/29/73; Order 72-6, § 365-14-050, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-060 Decision of agency final. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 73-2, § 365-14-060, filed 6/29/73; Order 72-6, § 365-14-060, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-070 Contract terms and conditions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-6, § 365-14-070, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-080 Commitment for additional funds. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-080, filed 3/4/77, effective 3/4/77; Order 72-6, § 365-14-080, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-110 Opportunity of funded agency to apply for funds for use in otherwise unfunded district. [Order 73-2, § 365-14-110, filed 6/29/73.] Repealed by Permanent and Emergency Order 77-01, filed 3/4/77, effective 3/4/77.
- 365-14-120 Application process. [Order 73-2, § 365-14-120, filed 6/29/73.] Repealed by Permanent and Emergency Order 77-01, filed 3/4/77, effective 3/4/77.
- 365-14-130 Agreement contents. [Order 73-2, § 365-14-130, filed 6/29/73.] Repealed by Permanent and Emergency Order 77-01, filed 3/4/77, effective 3/4/77.
- 365-14-200 Funding of demonstration projects. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-200, filed 3/4/77, effective 3/4/77; Order 74-03, § 365-14-200, filed 5/23/74; Order 74-02, § 365-14-200, filed 2/19/74.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-210 Application process. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 74-02, § 365-14-210, filed 2/19/74.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-220 Demonstration of local support. [Order 75-3, § 365-14-220, filed 8/11/75; Order 74-02, § 365-14-220, filed 2/19/74.] Repealed by Permanent and Emergency Order 77-01, filed 3/4/77, effective 3/4/77.

Chapter 365-22

PLANNING ADVANCES PROGRAM FOR LOCAL GOVERNMENT PUBLIC WORKS

- 365-22-010 Objectives of the planning advance program. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-010, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-020 Eligibility of applicants. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-020, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-030 Eligibility of public work. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-030, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-040 Application for planning advance. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-040, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-050 Action by agency regarding application. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-050, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-060 Planning advance funding criteria and preferences. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-060, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-070 Decision of agency final. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-070, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-080 Planning advance terms. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-080, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-090 Commitment for additional funds. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-090, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

Chapter 365-26

REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE DEVELOPMENT OF COMPREHENSIVE TRANSIT PLANS

- 365-26-010 General purpose and applicability. [Order 75-5, § 365-26-010, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-015 Definitions. [Order 75-5, § 365-26-015, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-110 Application for advanced financial support payment. [Order 75-5, § 365-26-110, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

- 365-26-120 Office response to application. [Order 75-5, § 365-26-120, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-130 Conditions of advanced financial support payments. [Order 75-5, § 365-26-130, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-200 Required elements of comprehensive transit plan. [Order 75-5, § 365-26-200, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-210 Capital improvements element. [Order 75-5, § 365-26-210, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-220 Level of service element. [Order 76-05, § 365-26-220, filed 11/17/76; Order 75-5, § 365-26-220, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-230 System funding for initial year of operation element. [Order 76-05, § 365-26-230, filed 11/17/76; Order 75-5, § 365-26-230, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-240 System of funding for the second through fifth years of operation element. [Order 75-5, § 365-26-240, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-250 Relation to nearby transit operations element. [Order 76-05, § 365-26-250, filed 11/17/76; Order 75-5, § 365-26-250, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-260 Prospects for geographic expansion of service area element. [Order 75-5, § 365-26-260, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-270 Minorities, elderly, handicapped, and low income people transportation service element. [Order 75-5, § 365-26-270, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-280 Citizen participation element. [Order 75-5, § 365-26-280, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-290 Coordinated planning element. [Order 75-5, § 365-26-290, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-300 Submission of comprehensive transit plans to agency. [Order 75-5, § 365-26-300, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-310 Review of comprehensive transit plan of public transportation benefit area. [Order 75-5, § 365-26-310, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-31-020 Rules of interpretation. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-020, filed 4/14/80; Order 75-01, § 365-31-020, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-110 Officers of the governor's council on criminal justice and governor's juvenile justice advisory committee. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-110, filed 4/14/80; Order 75-01, § 365-31-110, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-111 Functions and membership of the governor's council on criminal justice and governor's juvenile justice advisory committee. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-111, filed 4/14/80.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-120 Meetings of the governor's council and committee, subcommittees, advisory committees. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-120, filed 4/14/80; Order 76-01, § 365-31-120, filed 2/13/76; Order 75-01, § 365-31-120, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-130 Absences of members from meetings. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-130, filed 4/14/80; Order 75-01, § 365-31-130, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-140 Quorum. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 75-01, § 365-31-140, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-150 Participation and discussion during governor's council and committee meetings, rules of order, and forms of action. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-150, filed 4/14/80; Order 76-01, § 365-31-150, filed 2/13/76; Order 75-01, § 365-31-150, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-160 Voting procedures. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-160, filed 4/14/80; Order 76-01, § 365-31-160, filed 2/13/76; Order 75-01, § 365-31-160, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-170 Minutes. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-170, filed 4/14/80; Order 76-01, § 365-31-170, filed 2/13/76; Order

Chapter 365-31

ORGANIZATION AND GENERAL PROCEDURES OF THE PLANNING AND COMMUNITY AFFAIRS AGENCY'S LAW AND JUSTICE PLANNING OFFICE AND THE GOVERNOR'S COMMITTEE ON LAW AND JUSTICE

- 365-31-010 Definitions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-010,

- 75-01, § 365-31-170, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-180 Subcommittees, advisory committees, and task forces. [Order 76-01, § 365-31-180, filed 2/13/76; Order 75-01, § 365-31-180, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-210 Duties of division of criminal justice. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-210, filed 4/14/80; Order 76-01, § 365-31-210, filed 2/13/76; Order 75-01, § 365-31-210, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-310 Administrative review of LJPO action grant applications. [Order 76-01, § 365-31-310, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-320 Program review of application. [Order 76-01, § 365-31-320, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-330 Appeal procedures. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-330, filed 4/14/80; Order 76-01, § 365-31-330, filed 2/13/76.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-340 LJPO hearing and review committee. [Order 76-01, § 365-31-340, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-350 Notice and scheduling of appeals to LJPO hearing and review committee. [Order 76-01, § 365-31-350, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-360 LJPO hearing and review committee operation. [Order 76-01, § 365-31-360, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-370 LJPO hearing and review committee action. [Order 76-01, § 365-31-370, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-410 Regional plan evaluation process. [Order 76-01, § 365-31-410, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-420 Evaluation criteria and rankings. [Order 76-01, § 365-31-420, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-430 Notice and scheduling of planning subcommittee consideration of regional plans—Appeals to planning subcommittee of SPA decisions on plans. [Order 76-01, § 365-31-430, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-440 Eligible appellants of SPA action on plan—Permissible subjects of appeal. [Order 76-01, § 365-31-440, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-450 Planning subcommittee operation when considering plans. [Order 76-01, § 365-31-450, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-460 Planning subcommittee action on regional plans. [Order 76-01, § 365-31-460, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-31-470 Appeal of planning subcommittee decision regarding a regional plan. [Order 76-01, § 365-31-470, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.

Chapter 365-33**COMPREHENSIVE STATE PLANS FOR LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE**

- 365-33-730 Adoption of 1973 state plan. [Order 75-01, § 365-33-730, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-33-740 Adoption of 1974 plan. [Order 75-01, § 365-33-740, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-33-750 Adoption of 1975 plan. [Order 76-01, § 365-33-750, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-33-760 Adoption of 1976 plan. [Order 76-01, § 365-33-760, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.

Chapter 365-35**FINANCIAL GUIDELINES REGARDING GRANTS OF LAW AND JUSTICE FUNDS AND MATCHING CONTRIBUTIONS REQUIRED OF SUBGRANTEES**

- 365-35-010 Adoption of financial guidelines of the SPA. [Order 75-01, § 365-35-010, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-35-900 Resolution of conflicts between LEAA regulations and LJPO financial guidelines and other sections of this chapter. [Order 75-01, § 365-35-900, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.

Chapter 365-37**SPECIAL POLICIES AND PROCEDURES OF THE GOVERNOR'S COMMITTEE ON LAW AND JUSTICE AND THE STATE PLANNING AGENCY FOR LAW AND JUSTICE**

- 365-37-010 Administration of law and justice program in accordance with applicable federal legislation and rules—Conformance with such federal legislation and regulations required of all subgrantees. [Order 75-01, § 365-37-010, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100. Later promulgation, see chapter 365-31 WAC.
- 365-37-110 Requirement that applications be "conforming" to necessitate SPA action within 90 days of receipt. [Order 75-01, § 365-37-110, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-120 Criteria for determining whether or not an application is "conforming." [Order 76-01, § 365-37-120, filed 2/13/76; Order 75-01, § 365-37-120, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-130 Conditional approval of application. [Order 75-01, § 365-37-130, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-210 Submission date for application for initial or continuation funding. [Order 75-01, § 365-37-210, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-220 Date after which applications for reallocation funds will be accepted. [Order 76-01, § 365-37-220, filed 2/13/76; Order 75-01, § 365-37-220, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-310 Authorization for the granting of project period extensions for operating projects—Maximum period of extension. [Order 75-01, § 365-37-310, filed

- 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-320 Circumstances under which project period extensions may be granted. [Order 75-01, § 365-37-320, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-330 Circumstances under which a grant contract project period will not be extended. [Order 75-01, § 365-37-330, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-340 Procedure for requesting and granting a project period extension. [Order 76-01, § 365-37-340, filed 2/13/76; Order 75-01, § 365-37-340, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-410 Maximum project funding period—Exceptions. [Order 75-01, § 365-37-410, filed 4/29/75.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-510 Governor's committee as appellate forum. [Order 76-03, § 365-37-510, filed 3/26/76; Order 76-01, § 365-37-510, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-520 Eligible appellants—Decisions that may be appealed. [Order 76-03, § 365-37-520, filed 3/26/76; Order 76-01, § 365-37-520, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-530 Notice and scheduling of appeals to governor's committee. [Order 76-03, § 365-37-530, filed 3/26/76; Order 76-01, § 365-37-530, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-540 Submission of material to governor's committee for consideration in an appeal. [Order 76-01, § 365-37-540, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-550 Appeal consideration procedures. [Order 76-03, § 365-37-550, filed 3/26/76; Order 76-01, § 365-37-550, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-560 Governor's committee action on appeals. [Order 76-03, § 365-37-560, filed 3/26/76; Order 76-01, § 365-37-560, filed 2/13/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-570 Notice of governor's committee decision and right to appeal to governor. [Order 76-03, § 365-37-570, filed 3/26/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.
- 365-37-580 Procedure applicable to petition to governor for reconsideration of governor's committee decision—Action by governor on petition. [Order 76-03, § 365-37-580, filed 3/26/76.] Repealed by 80-05-023 (Order 48), filed 4/14/80. Statutory Authority: RCW 43.41.100.

Chapter 365-41

REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE CONDUCT OF PUBLIC TRANSPORTATION FEASIBILITY STUDIES

- 365-41-010 General purpose and applicability. [Order 77-04, § 365-41-010, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-015 Definitions. [Order 77-04, § 365-41-015, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-110 Application for advanced financial support payment. [Order 77-04, § 365-41-110, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.

- 365-41-120 Agency response to application. [Order 77-04, § 365-41-120, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-130 Conditions of advanced financial support payments. [Order 77-04, § 365-41-130, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-200 Required elements of feasibility study. [Order 77-04, § 365-41-200, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-210 Geographical extent. [Order 77-04, § 365-41-210, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-220 Identification of related transportation operations. [Order 77-04, § 365-41-220, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-230 Estimation of need. [Order 77-04, § 365-41-230, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-240 Alternative management schemes. [Order 77-04, § 365-41-240, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-250 Alternative funding sources. [Order 77-04, § 365-41-250, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-300 Submission of feasibility study to agency. [Order 77-04, § 365-41-300, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-310 Submission of municipal resolution to agency. [Order 77-04, § 365-41-310, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-320 Submission of municipal ordinance levying and collecting taxes to agency. [Order 77-04, § 365-41-320, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.

Chapter 365-42

REGULATIONS REGARDING FINANCIAL SUPPORT TO PRIVATE, NONPROFIT CORPORATIONS FOR CAPITAL ASSISTANCE IN PROVIDING TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

- 365-42-010 Definitions. [Order 77-02, § 365-42-010, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-010.
- 365-42-020 Program description. [Order 77-02, § 365-42-020, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-020.
- 365-42-030 Purpose. [Order 77-02, § 365-42-030, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-030.
- 365-42-100 Program period. [Order 77-02, § 365-42-100, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-100.
- 365-42-110 Qualification criteria. [Order 77-02, § 365-42-110, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-110.

365-42-200 Application procedures. [Order 77-02, § 365-42-200, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-200.

365-42-210 Evaluation of applications. [Order 77-02, § 365-42-210, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-210.

365-42-220 Coordination. [Order 77-02, § 365-42-220, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-220.

365-42-230 Selection. [Order 77-02, § 365-42-230, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-230.

365-42-240 State application. [Order 77-02, § 365-42-240, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-240.

365-42-300 Contract. [Order 77-02, § 365-42-300, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-300.

365-42-310 Surplus funds. [Order 77-02, § 365-42-310, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-310.

365-42-320 Equipment purchasing. [Order 77-02, § 365-42-320, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-320.

365-42-330 UMTA interest. [Order 77-02, § 365-42-330, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-330.

365-42-340 Equipment acceptance. [Order 77-02, § 365-42-340, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-340.

365-42-350 Vehicle registration and licensing. [Order 77-02, § 365-42-350, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-350.

365-42-360 Equipment use. [Order 77-02, § 365-42-360, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-360.

365-42-370 Maintenance. [Order 77-02, § 365-42-370, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-370.

365-42-380 Inspections. [Order 77-02, § 365-42-380, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-380.

365-42-390 Reports. [Order 77-02, § 365-42-390, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-390.

365-42-410 Insurance. [Order 77-02, § 365-42-410, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-410.

365-42-420 Indemnity. [Order 77-02, § 365-42-420, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-420.

365-42-430 Risk of loss or damage. [Order 77-02, § 365-42-430, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-430.

365-42-440 Disposal of equipment. [Order 77-02, § 365-42-440, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-440.

365-42-510 Accounting records. [Order 77-02, § 365-42-510, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-510.

365-42-610 Safety. [Order 77-02, § 365-42-610, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-610.

365-42-710 Termination. [Order 77-02, § 365-42-710, filed 8/19/77, effective 9/19/77.] Repealed by 81-10-058 (Order 61), filed 5/5/81. Statutory Authority: RCW 47.01.101(5). Later promulgation, see WAC 468-87-710.

Chapter 365-43

REGULATIONS REGARDING PASS-THROUGH OF U.S. URBAN MASS TRANSPORTATION ADMINISTRATION FUNDS FOR PUBLIC TRANSPORTATION TECHNICAL STUDIES

365-43-010 General purpose and applicability. [Order 77-03, § 365-43-010, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

365-43-015 Definitions. [Order 77-03, § 365-43-015, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

365-43-110 Application for technical study grant. [Order 77-03, § 365-43-110, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

365-43-120 Agency response to application. [Order 77-03, § 365-43-120, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

365-43-200 Application prioritization criteria. [Order 77-03, § 365-43-200, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

Chapter 365-50

CRIMINAL RECORDS

365-50-010 General applicability. [Statutory Authority: RCW 10.97.080, 78-03-065 (Order 78-01), § 365-50-010, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.

365-50-020 Definitions. [Statutory Authority: RCW 10.97.080, 78-03-065 (Order 78-01), § 365-50-020, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.

365-50-030 Separation of information. [Statutory Authority: RCW 10.97.080, 78-03-065 (Order 78-01), § 365-

- 50-030, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-040 Deferred prosecutions. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-040, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-050 Convictions under appeal or review. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-050, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-060 Certification of criminal justice agencies. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-060, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-070 Inspection—Individual's right to review record. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-070, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-080 Inspection—Forms to be made available. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-080, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-090 Inspection—Identification of requester. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-090, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-100 Inspection—Timeliness and manner of agency response. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-100, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-110 Inspection—Time allowed for review. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-110, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-120 Inspection—Retention or reproduction of records. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-120, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-130 Inspection—Prevention of unauthorized retention or reproduction. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-130, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-140 Inspection—Designation of person to assist in review. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-140, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-150 Inspection—Statement of procedures to be available. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-150, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-160 Inspection—Procedure for correctional or detention agencies. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-160, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-170 Deletion—Individual's right to have certain information deleted. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-170, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-180 Deletion—Agency option to refuse to delete. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-180, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-190 Deletion—Policies to be adopted. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-190, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-200 Deletion—Inquiries required. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-200, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-210 Challenge—Individual's right to challenge. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-210, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-220 Challenge—Forms to be made available. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-220, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-230 Challenge—Forwarding of challenge to appropriate agency. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-230, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-240 Challenge—Agency to make determination. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-240, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-250 Correction of erroneous information. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-250, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-260 Review of refusal to alter record. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-260, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-270 Dissemination—Dispositions to be included. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-270, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-280 Dissemination—Inquiry of prosecutor required. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-280, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-290 Dissemination—To implement a statute or other grant of authority. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-290, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-300 Dissemination pursuant to contract for services. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-300, filed 9/18/78; 78-03-065 (Order 78-01), § 365-50-300, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-310 Dissemination—Research purposes. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-310, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.

- 365-50-320 Dissemination—Record of disseminations to be maintained. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-320, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-330 Dissemination—Fees. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-330, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-340 Protection from accidental loss or injury. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-340, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-350 Protection against unauthorized access. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-350, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-360 Personnel security. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-360, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-370 Personnel training. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-370, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-380 Personnel clearances. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-380, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-390 Auditing of CHRI systems. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-390, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-400 Establishment of procedures. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-400, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-500 Form of request to inspect record. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-500, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-510 Form of request to modify record. [Statutory Authority: RCW 10.97.090. 78-04-031 (Order 78-03), § 365-50-510, filed 3/15/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-520 Form of request to review refusal to modify record. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-520, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-530 Appendix III to state of Washington plan for security and privacy of criminal offender records. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-530, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-540 Certification request form for criminal justice agencies seeking access to criminal offender record information. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-540, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.
- 365-50-550 Certification request form for noncriminal justice agencies seeking access to criminal offender record

information. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-550, filed 2/22/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.

- 365-50-560 Contract for support services model agreement under WAC 365-50-300. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-560, filed 9/18/78.] Repealed by 80-08-056 (Order 80-3), filed 7/1/80. Statutory Authority: RCW 10.97.080 and 10.97.090.

Chapter 365-55

WASHINGTON STATE WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

- 365-55-010 Definitions. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-010, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.
- 365-55-020 Program description. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-020, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.
- 365-55-030 Program purpose. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-030, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.
- 365-55-040 Application procedures. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-040, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.
- 365-55-050 Contract awards. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-050, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.
- 365-55-060 Reports and records. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-060, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.
- 365-55-070 Policy advisory council. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-070, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.
- 365-55-080 Termination. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-080, filed 3/9/78.] Repealed by 83-06-066 (Order 83-02), filed 3/2/83. Statutory Authority: RCW 43.63A.060.

Chapter 365-04 WAC

GENERAL PROCEDURES

WAC

- 365-04-010 Agency purpose.
- 365-04-030 Agency organization.
- 365-04-050 Appearance and practice before agency—Who may appear.

WAC 365-04-010 Agency purpose. The planning and community affairs agency was established in 1967 in the office of the governor to provide planning and technical assistance to the counties and municipalities of Washington state to aid them with the demands of Washington state to aid them with the demands of change and the complex problems of rapid growth and

development. The key elements of this assistance are cooperation and service — cooperation with and service to city governments, county governments and state and regional agencies.

[Order 72-6, § 365-04-010, filed 11/3/72.]

WAC 365-04-030 Agency organization. (1) The executive head of the agency is a director appointed by the governor. The director may delegate such of his functions, powers, and duties to such officers and employees of the office as he deems expedient to the furtherance of the purposes of the agency. The operating sections of the agency include the comprehensive health planning office, the law and justice planning office, and the local planning assistance, community services, model cities/planned variations, training and education, special projects, and administrative divisions.

(2) The principal office of the agency shall be at Olympia, Washington, in care of the Director of the Planning and Community Affairs Agency, Insurance Building, which office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., (Saturdays, Sundays, and legal holidays excepted). Submissions, requests and communications shall be sent to the Director, Planning and Community Affairs Agency, Insurance Building, Olympia, Washington 98504.

(3) Pursuant to chapter 39.34 RCW and Executive Order 73-03, the director of the agency has entered into a joint venture agreement under which the functions and responsibilities of the planning and community affairs agency's local planning assistance, model cities/planned variations, special projects, training and education, community services, comprehensive health planning, law and justice planning and the Indian economic and employment assistance divisions, sections, and programs; as well as portions of the agency's administrative division and supporting programs have been assigned and delegated to the office of community development. The office of community development shall act as the agent for the planning and community affairs agency in carrying out the agency's functions and responsibilities; the agency shall act through the office of community development in connection with all matters assigned and delegated to the office of community development under the joint venture agreement for the duration of that agreement.

[Order 73-4, § 365-04-030, filed 9/12/73; Order 72-6, § 365-04-030, filed 11/3/72.]

WAC 365-04-050 Appearance and practice before agency—Who may appear. No person may appear in a representative capacity before the agency or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law;

(3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, corporation or municipal corporation.

[Order 72-6, § 365-04-050, filed 11/3/72.]

Chapter 365-06 WAC PUBLIC RECORDS

WAC

365-06-010 Purpose of chapter.
365-06-020 Availability of public records and office procedures applicable to such availability.

WAC 365-06-010 Purpose of chapter. The purpose of this chapter shall be to ensure compliance by the planning and community affairs agency (hereinafter referred to as the "agency"), including its officers and employees, with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 through 32 of that act [RCW 42.17.250 through 42.17.320], dealing with public records.

[Order 73-4, § 365-06-010, filed 9/12/73.]

WAC 365-06-020 Availability of public records and office procedures applicable to such availability. In accordance with WAC 365-04-030(3), the office of community development acts on behalf of the agency in connection with all matters affected by this chapter; persons seeking a public record of the agency must contact the office of community development. Public records of the agency shall be made available to members of the general public in accordance with rules and regulations promulgated by the office of community development, chapters 120-04, 120-06, 120-08, and 120-52 WAC.

[Order 73-4, § 365-06-020, filed 9/12/73.]

Chapter 365-08 WAC UNIFORM PROCEDURAL RULES

WAC

365-08-010 Uniform procedural rules.

WAC 365-08-010 Uniform procedural rules. The planning and community affairs agency, hereinafter designated as the agency, adopts as its own rules of practice all those uniform procedural rules promulgated by the code reviser now codified in the Washington Administrative Code, WAC 1-08-005 through 1-03-590, (excepting WAC 1-08-010 which is adopted as amended by the agency as set out herein as WAC 365-04-050) as now or hereafter amended subject to any additional rules that the agency may add from time to time. The agency reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the agency, said determination to be in accordance with the spirit and intent of the law.

[Order 72-6, § 365-08-010, filed 11/3/72.]

Chapter 365-24 WAC

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

WAC

GENERAL CONSIDERATIONS

| | |
|------------|---|
| 365-24-010 | General purpose and coverage. |
| 365-24-020 | General responsibilities of relocating entities. |
| 365-24-030 | State agencies and local public bodies policies and procedures. |
| 365-24-040 | Review of activities for compliance with chapter 8.26 RCW. |
| 365-24-050 | Public information. |
| 365-24-060 | Payments not considered income or resource. |
| 365-24-100 | Interpretation of definitions. |
| 365-24-110 | Specific definitions. |

ASSURANCE OF ADEQUATE REPLACEMENT HOUSING PRIOR TO DISPLACEMENT

| | |
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| 365-24-210 | Determination or assurance of availability of housing. |
| 365-24-220 | Data support for determination or assurance. |
| 365-24-230 | Waiver of assurances. |
| 365-24-240 | Housing provided as a last resort. |

RELOCATION ASSISTANCE ADVISORY SERVICES

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| 365-24-310 | Relocation assistance advisory program. |
| 365-24-312 | Other advisory services. |
| 365-24-320 | Contracting for relocation services. |
| 365-24-330 | Coordination of planned relocation activities. |

RELOCATION PAYMENT FOR MOVING AND RELATED EXPENSES

| | |
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| 365-24-410 | Eligibility. |
| 365-24-420 | Allowable moving expenses for displaced persons. |
| 365-24-430 | Limitations on allowable moving expenses for displaced persons. |
| 365-24-440 | Nonallowable moving expenses and losses of displaced persons. |
| 365-24-450 | Allowable expenses in searching for replacement business or farms. |
| 365-24-460 | Limitations on allowable expenses in searching for replacement business or farms. |

PAYMENT IN LIEU OF MOVING AND RELATED EXPENSES

| | |
|------------|---|
| 365-24-510 | For displacement from a dwelling. |
| 365-24-520 | For displacement from a business. |
| 365-24-530 | For displacement from a farm operation. |
| 365-24-540 | Amount of business fixed payment. |

REPLACEMENT HOUSING PAYMENTS FOR DWELLING OWNER/OCCUPANTS

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| 365-24-610 | Eligibility. |
| 365-24-620 | Computation of replacement housing payment. |

REPLACEMENT HOUSING PAYMENTS FOR TENANTS AND CERTAIN OTHERS

| | |
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| 365-24-710 | Eligibility. |
| 365-24-720 | Computation of replacement housing payments for displaced tenants. |
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ADMINISTRATIVE REVIEW AND RULE MAKING

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| 365-24-810 | Right of review. |
| 365-24-820 | Initiation of appeal—Notice and statement. |
| 365-24-822 | Form of statement. |
| 365-24-824 | Correction or amendment of notice. |
| 365-24-830 | Preliminary review authorized. |
| 365-24-832 | Notice and time limitation on preliminary review. |
| 365-24-834 | Effect of preliminary review. |
| 365-24-840 | Applicability of Administrative Procedure Act. |
| 365-24-850 | Appointment of hearing officer. |
| 365-24-852 | Hearing officer powers and duties. |
| 365-24-854 | Time and place of hearing. |
| 365-24-856 | Evidence. |

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| 365-24-858 | Submission of proposed decision and orders. |
| 365-24-860 | Exceptions—Time for filing. |
| 365-24-862 | Reply to exceptions. |
| 365-24-870 | Submission or record and issuance of final decision. |
| 365-24-880 | Petitions for rule making. |
| 365-24-882 | Requisites. |
| 365-24-884 | Notice of disposition. |

UNIFORM ACQUISITION POLICIES

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| 365-24-910 | Acquisition procedures. |
| 365-24-920 | Statement furnished to owner upon initiation of negotiations for acquisition of real property. |
| 365-24-930 | Relocation costs and awards not to be considered in making appraisals. |
| 365-24-940 | Consideration of relocation costs of outdoor advertising displays in making appraisals. |
| 365-24-950 | Acquisition of mobile homes. |
| 365-24-960 | Appraisal standards. |

GENERAL CONSIDERATIONS

WAC 365-24-010 General purpose and coverage.

(1) Purpose: These interim regulations are to assist state agencies and local public bodies in the development of policies and procedures implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1971, chapter 8.26 RCW, to assure a uniform policy for the fair and equitable treatment of persons displaced by state programs, or federally assisted programs administered by state agencies or local public bodies. These interim regulations are adopted pursuant to the provisions of RCW 8.26.110.

(2) Conflicts: In the event of any conflict between these regulations and the provisions of chapter 8.26 RCW or any other applicable law, the statutory provisions are controlling.

(3) Authorization to exceed maximum payment specified herein: The intent of these regulations is to establish minimum requirements for relocation assistance payments by state agencies and local public bodies. Notwithstanding anything to the contrary in these regulations, any state agency or local public body, where otherwise authorized, may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, and may comply with the more specific requirements of chapter 8.26 RCW and regulations promulgated pursuant thereto, if the making of such payment or compliance with such requirements is necessary under federal law or regulations to secure federal funds.

(4) Extended eligibility for receipt of benefits: Whenever the acquisition of, or receipt of notice to vacate real property used for a business or farm operation causes any person to move from real property used for his dwelling, or to move his personal property from such other real property, such person may receive the benefits provided by RCW 8.26.040 through 8.26.070. Furthermore, whenever a displacing entity determines that a sufficient portion of a parcel upon which a business operation and dwelling unit(s) are located is taken to justify the operator of such business to move his business or go out of business, the owners and/or occupants of the dwellings on such property not within the actual taking

but who are consequently forced to move shall be eligible to receive the same payments as though their dwellings were within the actual taking.

(5) Persons displaced due to federal Housing, or Demonstration Cities and Metropolitan Development Acts included: A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after July 1, 1971, as a direct result of any project or program which receives federal financial assistance under Title I of the Housing Act of 1949 (PL 81-171) as amended, or as a result of carrying out a comprehensive city demonstration program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (PL 89-754), for the purposes of chapter 8.26 RCW and these regulations, shall be deemed to have been displaced as a result of the acquisition of real property.

[Order 74-05, § 365-24-010, filed 10/9/74.]

WAC 365-24-020 General responsibilities of relocating entities. State agencies and local public body acquiring real property and relocating persons as a consequence of such acquisition should instruct officials responsible for programs affected by chapter 8.26 RCW that:

(1) Application of chapter 8.26 RCW and these regulations: The provisions of chapter 8.26 RCW and these regulations apply to any program or project of real property acquisition which may create a "displaced person" as defined in WAC 365-24-110,

(a) Where such acquisition is initiated by a state agency;

(b) Where such acquisition is initiated by a local public body for a program or project which received federal financial assistance for all or part of the cost; or

(c) Where such acquisition is initiated by a local public body which, pursuant to RCW 8.26.020(2), elects to comply with chapter 8.26 RCW.

(2) Responsibility of head of displacing entity: The executive head of a state agency or local public body engaged in the acquisition of real property or any interest therein for a project or program involving relocation, and over funds appropriated or otherwise available for such acquisition and relocation is responsible for carrying out the provisions of chapter 8.26 RCW and these regulations applicable to that program or project, subject to review as provided in RCW 8.26.030(1).

(3) Use of housing agencies: In carrying out relocation assistance activities affected by these regulations, a state agency or local public body, whenever practicable, shall utilize the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

[Order 74-05, § 365-24-020, filed 10/9/74.]

WAC 365-24-030 State agencies and local public bodies policies and procedures. (1) All state agencies and local public bodies responsible for the acquisition of real property in connection with a program or project that

will result in the displacement of any person on or after the effective date of these regulations, shall prepare and adopt policies and procedures consistent with these regulations not less than 60 days prior to the commencement of any project phase causing displacement. Such policies and procedures must provide at a minimum, that:

(a) A written notice of the initiation of negotiations with the owner of property to be acquired must be given by the displacing entity to tenants and other persons occupying such property advising:

(i) Eligibility for relocation assistance and benefits which could become available after acquisition of the property by the displacing entity can be lost if the owner or any tenant moves or makes any financial commitments for replacement housing or facilities prior to receiving a written notice to vacate from the displacing entity for its program or project, or otherwise fails to meet the legal requirements for such assistance or benefits;

(ii) The displacing entity's land purchase intentions and plans are subject to change and even cancellation until the acquisition is closed;

(iii) Neither the owner nor any tenant should move or make any financial commitment for replacement housing or facilities until he has received a final determination from the displacing entity concerning his eligibility for relocation payments; the requirements which must be satisfied before such payments or benefits, if any, can be provided by the acquiring entity if it purchases the property; and until receipt of a written authorization or notice to vacate for the program or project from the acquiring entity;

(iv) Where he can obtain full information concerning relocation assistance, eligibility for relocation payments and the requirements which must be satisfied before such payments can be made; and

(v) The procedures for obtaining RCW 8.26.130 review.

(b) A written notice to vacate must be given to each individual, family, business, or farm operation to be displaced; and that all notices shall be served personally or delivered by certified or registered first class mail.

(c) A displaced person who makes proper application for a payment authorized for such person by chapter 8.26 RCW and these regulations shall be paid promptly after a move, or, in hardship cases, be paid in advance.

(d) Applications for benefits under the act are to be made within 18 months of the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the acquiring entity makes final payment of all costs of that real property, whichever is the later date. The head of the state agency or local public body may extend this period upon a proper showing of good cause.

(2) A copy of such policies and procedures and revisions thereof shall be furnished to the office by the displacing entity within 30 days after adoption by the displacing entity. A copy of any policies and procedures regarding real property acquisition or relocation being

utilized by a displacing entity at the time these regulations become effective shall be transmitted to the office within 30 days of such effective date.

[Order 74-05, § 365-24-030, filed 10/9/74.]

WAC 365-24-040 Review of activities for compliance with chapter 8.26 RCW. The director shall provide for periodic review of all state agency and local public bodies land acquisition and relocation policies, procedures and practices to ensure compliance with the provisions of chapter 8.26 RCW and these regulations. Records relating to such policies, procedures and practices, as specified by the office, shall be maintained by displacing entities for the purpose of review.

[Order 74-05, § 365-24-040, filed 10/9/74.]

WAC 365-24-050 Public information. (1) The head of each state agency or local public body should make available to the public full information concerning such entity's relocation program and he shall ensure that persons to be displaced are fully informed, at the earliest possible time, of the specific plans and procedures for assuring that comparable replacement housing will be available for home owners and tenants in advance of displacement; available relocation payments and assistance; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review by the head of the state agency or local public body concerned, as provided by chapter RCW 8.26.130.

(2) Whenever a displaced person is eligible for a replacement housing payment under RCW 8.26.050 or 8.26.060(1) and Parts VI and VII of these regulations except that he has not yet purchased a replacement dwelling, the head of the displacing entity or his designee shall at the request of the displaced person provide a written statement to any interested person, financial institution, or lending agency as to such person's eligibility for a payment and the requirements that must be satisfied before such payment can be made. If the proposed replacement dwelling has been selected or if plans and specifications are available for the construction or rehabilitation of a proposed dwelling, the displacing entity, after its representative has inspected the dwelling or plans and found that they meet the required standards, shall include such finding and the amount of the payment to be available in such statement.

[Order 74-05, § 365-24-050, filed 10/9/74.]

WAC 365-24-060 Payments not considered income or resource. As provided for in RCW 8.26.140 no payment received under RCW 8.26.010 through 8.26.130 shall be considered as income for the purposes of any income tax or any tax imposed under Title 82 RCW as now or hereafter amended; or for the purpose of determining the eligibility or extent of eligibility of any person for assistance under the Social Security Act or any other federal law. These payments are not to be considered income or resources, and such payments shall not be deducted from any amount to which any recipient

would otherwise be entitled, under Title 74 RCW, as now or hereinafter amended. Supplemental rent payments, however, may be considered in determining the amount of public assistance to which a recipient may be entitled to the extent that there would be a duplication of a shelter allowance as established by the public assistance standards.

[Order 74-05, § 365-24-060, filed 10/9/74.]

WAC 365-24-100 Interpretation of definitions. The head of the displacing state agency or local public body may expand the following definitions where necessary to insure greater clarity and the successful implementation of the acquisition and/or relocation program; modification of the definitions should not, however, deviate from the general concepts contained herein.

[Order 74-05, § 365-24-100, filed 10/9/74.]

WAC 365-24-110 Specific definitions. (1) "Average annual net earnings" (see definition in WAC 365-24-540).

(2) "Bona fide mortgage" (see definition in WAC 365-24-620 (2)(c)).

(3) "Business" means any lawful activity, excepting a farm operation, conducted primarily:

(a) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or other personal property; or

(b) For the sale of services to the public; or

(c) By a nonprofit organization; or

(d) Solely for the purposes of RCW 8.26.040(1) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by means of an outdoor advertising display or displays, otherwise lawfully erected and maintained, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(4) "Comparable replacement dwelling" means a dwelling unit which meets the requirements of chapter 8.26 RCW and those outlined in WAC 365-24-210.

(5) "Director" means the director of the Washington state office of community development, and any persons to whom he has delegated his powers and duties under the act and these rules and regulations.

(6) "Displaced person" means any person who, on or after July 1, 1971, moves from real property lawfully occupied by him, or moves his personal property from real property on which it was lawfully located, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring entity to vacate real property, for a program or project undertaken by a state agency or a local public body. Solely for the purposes of RCW 8.26.040 (1) and (2), and 8.26.070, the term "displaced person" includes any person who, on or after July 1, 1971, moves from real property or moves his personal property from real property, as a result of the acquisition of, or the receipt of the written order of the acquiring entity to vacate other real property, on which such person conducts a

business or farm operation, for a program or project undertaken by the state or a local public body. The term "displaced person" also includes persons deemed to have been displaced as a result of the acquisition of real property financed in whole or in part under certain federal legislation referenced in RCW 8.26.160 and WAC 365-24-010(5). The term "displaced person" DOES NOT INCLUDE persons who occupy property subsequent to other persons in occupancy of the same property at the initiation of negotiations for the property or at the time written notice of intent to acquire or to vacate is issued by the displacing entity, whichever is earlier.

(7) "Dwelling unit" means any single family building; one family unit (including a nonhousekeeping unit) in a two-family or multi-family building, a unit of a condominium, or cooperative housing project; a mobile home; or other residential unit.

(8) "Economic rent" is the amount of rent the displaced occupant would have had to pay for a comparable dwelling in an area that is generally equal to that in which is located the dwelling unit to be acquired by the displacing entity.

(9) "Eligible person" means any displaced person who is or becomes lawfully entitled to any relocation under chapter 8.26 RCW.

(10) "Family" means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

(11) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or for home use, which customarily produces such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support; where an activity is not obviously a farm operation and that designation is sought for such activity, such activity may be so considered where it customarily produces such products or commodities in sufficient quantity to be capable of contributing at least one-third of the operator's income. The term "farm operation" shall geographically include so much land as is farmed in the same agricultural operation. In determining whether geographically separated lands constitute a single farming operation, the displacing entity may consider the common or separate use of machinery, tools, or employees, the manner in which income is reported, depreciation is calculated, products or commodities are stored and marketed, and any other factors which would be helpful in making this determination.

(12) "His" means, where appropriate, hers or its; words importing the masculine gender may be understood as also importing the feminine and neuter genders.

(13) "Initiation of negotiations" means the day on which the acquiring entity makes the first personal or written contract with the property owner or his representative during which price is discussed, and offers to purchase the real property.

(14) "Real property acquisition" means the purchase of real property or any rights therein for a public purpose through negotiation or condemnation by a state agency or local public body.

(15) "Local public body" means any county, city, or town, or other municipal corporation or political subdivision of the state or any instrumentality of any of the foregoing but only with respect to any program or project the cost of which is financed in whole or in part by a federal agency; unless such entity has elected to comply with chapter 8.26 RCW pursuant to RCW 8.26.020(2).

(16) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby. The term "mortgage" shall include real estate contracts.

(17) "Office" means the Washington state office of community development.

(18) "Owner" means a person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interest; owns a mobile home which under state law is determined to be real property and not personal property; or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the head of the acquiring entity, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law, the tenure of ownership (but not, however, occupancy) of the succeeding owner shall include the tenure of the preceding owner.

(19) "Person" means any individual, partnership, corporation or association; or any owner, part-owner, tenant, or sharecropper who operates a farm.

(20) "Regulations" means the regulations promulgated by the director pursuant to chapter 8.26 RCW.

(21) "State agency" means any department, commission, office, agency, or instrumentality of the state of Washington.

[Order 74-05, § 365-24-110, filed 10/9/74.]

ASSURANCE OF ADEQUATE REPLACEMENT HOUSING PRIOR TO DISPLACEMENT

WAC 365-24-210 Determination or assurance of availability of housing. (1) Prohibition of displacement unless housing availability has been determined or assured: No state agency or local public body shall proceed with any project phase which will cause the displacement of any person until the director has determined or received satisfactory assurances from the displacing entity that within a reasonable period of time prior to displacement there will be dwellings available, on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (PL 90-284) and chapter 49.60 RCW; in areas not generally less desirable in regard to

public utilities and public and commercial facilities; at rents or prices within the financial means of the families and individuals displaced; that are decent, safe, and sanitary (as described in (2) below); comparable to those previously occupied (as described in (3) below); and equal in number to the number of, and available to, such displaced persons who require such dwellings; and reasonably accessible to their places of employment. Where a project or program is being financed in whole or in part by a federal agency and such agency has received and accepted satisfactory assurances from the displacing entity that dwellings will be available within a reasonable period of time prior to displacement on the bases and under the conditions specified in this subsection, receipt by the director of a notice from the displacing entity of acceptance of assurances, confirmed by the federal agency, will satisfy the requirements of this subsection.

(2) Decent, safe and sanitary housing: A decent, safe and sanitary dwelling, is one which is found to be in sound, clean and weathertight condition, and which meets the following minimum criteria. Adjustments may only be made in cases of unusual circumstances or in unique geographic areas.

(a) Housekeeping unit: A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running potable water in both the bathroom and kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(b) Nonhousekeeping unit: A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living.

(3) Comparable replacement dwelling: A comparable replacement dwelling is one which is:

(a) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(b) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a comparable replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(c) Open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, and chapter 49.60 RCW.

(d) Located in an area not generally less desirable than one in which the acquired dwelling is located, with respect to:

(i) Neighborhood conditions, including but not limited to municipal services and other environmental factors.

(ii) Public utilities.

(iii) Public and commercial facilities.

(e) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(f) Within a financial means of the displaced family or individual.

(g) Available on the market to the displaced person.

(h) If a mobile home, placed in a fixed location:

(i) In a mobile home park which is licensed and operating under applicable state and local laws or ordinances; or

(ii) In a mobile home subdivision where the displaced person owns the lot on which the mobile home is placed; or

(iii) On real property owned or leased by the displaced person in other than a mobile home subdivision, provided such placement is in accordance with state and local laws or ordinances and provided such placement was made under any applicable permits needed from the state or local public body.

(i) Whenever comparable replacement housing is not available on the market, the head of the displacing entity may consider available housing exceeding these basic criteria.

(4) Determination of financial means: In the process of determining or giving assurances that decent, safe and sanitary comparable housing is available consistent with the standards of WAC 365-24-210(1) a determination must be made as to the displaced person's ability to afford the replacement dwelling. The following should be used as a guideline in making this determination: The average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 per cent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies. The policies of a displacing entity may provide for determinations that 25 per cent of monthly gross income for housing costs or the present ratio of housing payment to the individual's income is or is not excessive to the other needs of the displaced family or individual, such as food, clothing, child care, medical expenses, etc. In these cases, the head of the displacing entity or his designee shall establish criteria for determining the financial means of the displaced family or individual.

[Order 74-05, § 365-24-210, filed 10/9/74.]

WAC 365-24-220 Data support for determination or assurance. The determination or assurances should be based on a current survey and analysis of the available replacement housing by the displacing entity. Such survey and analysis must take into account the competing demand on available housing.

[Order 74-05, § 365-24-220, filed 10/9/74.]

WAC 365-24-230 Waiver of assurances. Pursuant to RCW 8.26.090, the director may prescribe by regulation, situations where the assurances described in WAC 365-24-210(1) may be waived. Only emergency or other extraordinary situations where immediate possession of real property is of critical importance will warrant the waiving of assurances required under this chapter. Each

request from a displacing entity for a waiver of assurance of replacement housing shall be supported by appropriate justification. Any waiver of assurances shall be in writing, signed by the director.

[Order 74-05, § 365-24-230, filed 10/9/74.]

WAC 365-24-240 Housing provided as a last resort. When it is determined that adequate, comparable replacement housing is not available and cannot otherwise be made available, the head of the displacing entity or his designee may take action or approve action to develop replacement housing pursuant to RCW 8.26.080.

[Order 74-05, § 365-24-240, filed 10/9/74.]

RELOCATION ASSISTANCE ADVISORY SERVICES

WAC 365-24-310 Relocation assistance advisory program. Pursuant to RCW 8.26.070, every state agency or local public body shall provide a relocation assistance advisory program for persons displaced as a result of any federally assisted or, for state agencies, state financed, land acquisition programs or projects. State agencies and local public bodies shall ensure that the relocation assistance advisory program includes such measures, facilities or services as may be necessary or appropriate to perform all of the tasks detailed in RCW 8.26.070(2). Relocation advisory services of such program may also be provided to any person occupying property immediately adjacent to the real property acquired, who the head of the displacing entity or his designee finds is caused substantial economic injury because of the acquisition.

[Order 74-05, § 365-24-310, filed 10/9/74.]

WAC 365-24-312 Other advisory services. Other advisory services shall be provided under RCW 8.26.070 (2)(e) to displaced persons and under WAC 365-24-310 to persons occupying property immediately adjacent to real property acquired, in order to minimize hardships to such persons in adjusting to relocation. Such other advisory services shall include ready access to needed social services and counseling services for families and individuals both prior to and subsequent to relocation. In meeting this requirement, the displacing entity should utilize local welfare or social services and counseling whenever possible, or take whatever steps are necessary to assure adequate services are provided.

[Order 74-05, § 365-24-312, filed 10/9/74.]

WAC 365-24-320 Contracting for relocation services. In order to prevent unnecessary expense and duplication of functions and to promote uniform and effective administration of relocation assistance programs for displaced persons, any state agency or local public body may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under these regulations through any federal, state, or local governmental agency or instrumentality

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having an established organization for conducting relocation assistance programs provided, however, responsibility, control, and authority for compliance with chapter 8.26 RCW and these regulations remain with the head of the displacing entity.

[Order 74-05, § 365-24-320, filed 10/9/74.]

WAC 365-24-330 Coordination of planned relocation activities. (1) When two or more state agencies or local public bodies contemplate displacement activities in a given community or area, the heads of the respective entities shall coordinate their activities through the director. He shall require that appropriate channels of communication be established between the entities for the purpose of planning relocation activities and coordinating available housing resources.

(2) The entities causing displacement shall designate at least one representative who will meet periodically with the director and representatives of other federal, state agencies and local public bodies to review the impact of their respective programs on the community or area.

(3) When more than one state agency or local public body or a combination of the two are causing displacement in a community or area, the heads of those displacing entities or their designees shall cooperate in choosing a uniform procedure for the application of methods for computing replacement housing payments, shall use uniform schedules of rental housing in the community or area, and shall otherwise cooperate and coordinate their activities under Parts IV through VII of these regulations to ensure equality of payments in similar situations.

[Order 74-05, § 365-24-330, filed 10/9/74.]

RELOCATION PAYMENT FOR MOVING AND RELATED EXPENSES

WAC 365-24-410 Eligibility. (1) Any displaced person (including one who conducts a business or farm operation), is eligible to receive a relocation payment for moving expenses. A person who lives on his business or farm property may be eligible for payments for both moving and related expenses as a dwelling occupant, as well as for payments for displacement from a business or farm operation.

(2) Any person who moves from real property or moves his personal property from real property as a result of the acquisition of his real property, in whole or part, or receipt of a written notice from the acquiring agency to vacate real property; or, solely for the purpose of RCW 8.26.040, as a result of the acquisition of, or receipt of a written notice of the acquiring agency to vacate, other real property on which such person conducts a farm or business; is eligible to receive a payment for moving expenses.

[Order 74-05, § 365-24-410, filed 10/9/74.]

WAC 365-24-420 Allowable moving expenses for displaced persons. (1) Transportation of individuals,

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families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing entity determines that relocation beyond this 50-mile area is justified.

(2) Packing, and unpacking, crating, and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing entity determines that such advertising is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the displacing entity determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment, including such modifications as deemed necessary by the displacing entity of, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal and that the displacing entity is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be allowable under regulations issued by the displacing entity.

[Order 74-05, § 365-24-420, filed 10/9/74.]

WAC 365-24-430 Limitations on allowable moving expenses for displaced persons. (1) Maximum amount of payment for moves accomplished by the displaced person, himself: When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost to move him commercially, unless the head of the responsible displacing entity determines a greater amount is justified.

(2) Maximum reimbursement for business or farm operation personal property not moved, but sold and replaced: When an item of personal property which is used in connection with any business or farm operation is not moved but is sold and promptly replaced with a comparable item, reimbursement shall not exceed whichever is the lesser of:

(a) The replacement cost plus reasonable costs incurred in selling the property minus the proceeds received from the sale; or

(b) The estimated cost of moving.

(3) Maximum reimbursement for business or farm operation personal property of low value and high bulk: When personal property which is used in connection with a business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value in the judgment of the head of the displacing entity, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amounts

which would have been received for such items on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of the moving of junk yards, stockpiled sand, gravel, minerals, metals and similar type items of personal property. The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

(4) Maximum reimbursement for business or farm operation personal property that is abandoned: When the personal property which is used in connection with a business or farm operation is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles, whichever is less. A displaced person, prior to abandoning property, shall be required to make reasonable efforts to dispose of the property by, for instance, contacting persons known to deal in the type of property involved. The displaced person shall be required to submit to the displacing entity a written statement certifying his efforts to sell or otherwise dispose of the property prior to submitting a claim for property loss. The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

[Order 74-05, § 365-24-430, filed 10/9/74.]

WAC 365-24-440 Nonallowable moving expenses and losses of displaced persons. (1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures or other improvements which the displaced person received or shipped except as otherwise provided by law.

(3) Improvements to the replacement site, except when required by law or specifically authorized by the displacing entity.

(4) Interest on loans covering moving expenses.

(5) Loss of good will.

(6) Loss of profit.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Payment for search costs in connection with locating a replacement dwelling.

(11) Such other items as the head of the displacing entity or his designee determines should be excluded.

[Order 74-05, § 365-24-440, filed 10/9/74.]

WAC 365-24-450 Allowable expenses in searching for replacement business or farms. (1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching for a replacement facility or farm at the rate of the searcher's salary or earnings, but not to exceed \$10.00 per hour.

(4) At the discretion of the displacing entity, necessary broker, real estate or other professional fees to locate a replacement business facility or farm operation,

under circumstances described in the displacing entity's policies and procedures.

[Order 74-05, § 365-24-450, filed 10/9/74.]

WAC 365-24-460 Limitations on allowable expenses in searching for replacement business or farms. The total amount a displaced person may be paid for searching expenses may not exceed \$500 unless the head of the displacing entity or his designee determines and gives prior approval that the greater amount is justified based on the circumstances involved.

[Order 74-05, § 365-24-460, filed 10/9/74.]

PAYMENT IN LIEU OF MOVING AND RELATED EXPENSES

WAC 365-24-510 For displacement from a dwelling. RCW 8.26.040(2) provides that at the option of the displaced person, in lieu of the moving and related expense payment payable pursuant to Part IV of these rules and regulations, a displaced person may receive a moving expense allowance not to exceed \$300, based on a schedule established by the state highway commission, as well as a dislocation allowance of \$200. The director will make copies of the schedule available upon request.

[Order 74-05, § 365-24-510, filed 10/9/74.]

WAC 365-24-520 For displacement from a business. (1) A person displaced from his business, as defined in RCW 8.26.020 (5)(a through c) and WAC 365-24-110 (4)(a through c) is eligible under RCW 8.26.040(3) to receive a fixed payment in lieu of moving and related expenses as specified in WAC 365-24-540. Care must be exercised in each instance, however, to assure that such payments are made only in connection with a bona fide business. The displacing entity shall include in its policies and procedures adopted pursuant to these regulations appropriate criteria for a determination that a given activity does, in fact, constitute a bona fide business.

(2) Those businesses described in RCW 8.26.020(d) are not eligible under RCW 8.26.040(3) for a payment in lieu of moving and related expenses.

(3) Where a displaced person is displaced from his place of business, no payment shall be made under RCW 8.26.040(3) until the head of the displacing entity or his designee determines

(a) That the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and

(b) That the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the displacing entity only after consideration of all the pertinent circumstances, including but not limited to the following factors:

(i) The type of business conducted by the displaced business.

(ii) The nature of the clientele of the displaced business.

(iii) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person. The term "existing patronage" as applied in the section to businesses that are nonprofit organizations, includes the persons, community and clientele served or affected by the activities of the nonprofit organization.

[Order 74-05, § 365-24-520, filed 10/9/74.]

WAC 365-24-530 For displacement from a farm operation. A person displaced from his farm operation, as defined in RCW 8.26.020(6) and WAC 365-24-110(12) is eligible under RCW 8.26.040(3) to receive a fixed payment in lieu of moving and related expenses as specified in WAC 365-24-540, except as further provided herein: Where a displaced person is displaced from only a part of his farm operation the fixed payment provided by RCW 8.26.040(3) and WAC 365-24-540 shall be made only if the displacing entity determines that the farm met the definition of the farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

[Order 74-05, § 365-24-530, filed 10/9/74.]

WAC 365-24-540 Amount of business fixed payment. The fixed payment to a person displaced from a business (including nonprofit organizations) or a farm operation shall be an amount equal to the average annual net earnings of the business or farm operation, except that such payments shall not be less than \$2,500 nor more than [than] \$10,000. The term "average annual net earnings" as used in this section means one-half of any net earnings of the business or farm operation, before federal, state, and local income tax, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of the displacing entity or his designee determines to be more equitable for establishing such earnings, and includes any compensation made by the business or farm operation to the owner, his spouse or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net," it may nevertheless receive the \$2,500 minimum payment.

[Order 74-05, § 365-24-540, filed 10/9/74.]

REPLACEMENT HOUSING PAYMENTS FOR DWELLING OWNER/OCCUPANTS

WAC 365-24-610 Eligibility. (1) A displaced owner/occupant is eligible for a replacement housing payment as authorized by RCW 8.26.050 in an amount not to exceed \$15,000 if he meets both of the following requirements.

(a) The displaced owner/occupant actually owned and occupied the acquired dwelling from which he was displaced, for not less than 180 days prior to the initiation of negotiation for the property; or owned and occupied an acquired dwelling covered or qualified under RCW 8.26.160 from which he was displaced, for not less than 180 days prior to displacement; and

(b) Purchases and occupies a comparable replacement dwelling which is decent, safe, and sanitary, as defined in WAC 365-24-210 (2) and (3), not later than the end of the one-year period beginning on the date on which he received from the displacing entity the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(2) A displaced owner/occupant of a dwelling who does not qualify under this section for a replacement housing payment for homeowners, may be eligible for a replacement housing payment under Part VII of these regulations.

[Order 74-05, § 365-24-610, filed 10/9/74.]

WAC 365-24-620 Computation of replacement housing payment. The replacement housing payment of not more than \$15,000 consists of a differential payment for replacement as well as, where determined necessary, amounts for interest and incidental expenses.

(1) Differential payment for replacement housing: The head of the displacing entity or his designee, utilizing standards established by the state highway commission, shall determine the amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing entity is necessary to purchase a comparable replacement dwelling. The director will make copies of such standards available to displacing entities upon request.

(2) Interest payment: The head of the displacing entity or his designee shall determine the amount, if any, necessary to compensate a displaced owner/occupant for any increased interest cost, including points paid by him. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be used in determining the amount of the interest payment to be paid:

(a) The payment shall be equal to the excess in the aggregate interest and other debt service costs of the amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling at the time of acquisition, over the remaining term of the mortgage on the acquired dwelling, reduced to the discounted present value.

(b) The discount rate shall be the prevailing interest rate made on savings deposits by commercial banks in the general area in which a replacement dwelling is located.

(c) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations.

(d) However, the interest payment shall be based on the present value of the reasonable cost of the interest

differential, including points paid by the purchaser, on the amount financed not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(3) Incidental expenses:

(a) The head of the displacing entity or his designee shall determine the amount, if any, necessary to reimburse a displaced owner/occupant for the actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses) such as:

(i) Legal, closing and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(ii) Lenders, FHA or VA appraisal fees.

(iii) FHA application fees.

(iv) Certification of structural soundness when required by lender, FHA, VA.

(v) Credit report.

(vi) Title policies or abstract of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps or transfer taxes.

(b) Limitation: No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth-in-Lending Act, Title I, Public Law 90-321 and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

[Order 74-05, § 365-24-620, filed 10/9/74.]

REPLACEMENT HOUSING PAYMENTS FOR TENANTS AND CERTAIN OTHERS

WAC 365-24-710 Eligibility. (1) A displaced tenant, or an owner/occupant of a dwelling for less than 180 days, is eligible for a replacement housing payment not to exceed \$4,000 as authorized by RCW 8.26.060 if he meets both of the following requirements:

(a) Actually and lawfully occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property, or actually occupied the property covered or qualified under RCW 8.26.160 for not less than 90 days prior to displacement.

(b) Is not eligible to receive payments under RCW 8.26.050.

(2) An owner/occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for replacement housing payments as a tenant as authorized by RCW 8.26.060 when he rents a decent, safe and sanitary comparable replacement dwelling (instead of purchasing and occupying such a dwelling) not later than the end of the one-year period beginning on the date on which he receives from the displacing entity final payment for all costs of the acquired dwelling or on the date on which he moves from an acquired dwelling, whichever is the later date.

[Order 74-05, § 365-24-710, filed 10/9/74.]

WAC 365-24-720 Computation of replacement housing payments for displaced tenants. A displaced tenant is either eligible for a replacement rental housing payment; or, if he purchases replacement housing within one year from displacement, is eligible for a down payment including expenses incidental to closing not to exceed \$4,000.

(1) Differential payment for replacement rental housing: The head of the displacing entity or his designee shall determine by either a schedule, comparative, or other method, the amount necessary to rent a comparable replacement dwelling. The displaced tenant is bound to the method selected by the displacing entity for determining the reasonable cost of a comparable replacement dwelling, except he may appeal the displacing entity's determination in accordance with Part VIII of these regulations.

(a) Schedule method: The displacing entity may establish a schedule for renting comparable replacement dwellings available on the private market. The schedule should be based on current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired.

(b) Comparative methods: The displacing entity may determine the average month's rent of a comparable replacement dwelling by selecting one or more dwellings most representative of the dwelling acquired, which is available to the displaced person, and which meets the standards set in WAC 365-24-210(3) for a comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

(c) Alternate method: The displacing entity may develop other criteria for computing replacement rental housing payments when neither the schedule nor the comparative method is feasible.

(d) Computation process: The payment should be computed by determining the payment necessary to rent a comparable replacement dwelling for four years and subtracting from such amount 48 times the average month's rent paid by the displaced tenant during the last three months prior to initiation of negotiations, or such other period prior to such date as the head of the displacing entity or his designee shall establish, if such rent was reasonable. Regulations, ordinances, policies or procedures of the displacing entity may prescribe the circumstances or determine the individual cases in which economic rent rather than the actual rent paid by the displaced tenant may be used in this computation; provided, however, whenever rent is being paid to the displacing entity by a displaced tenant, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(e) Disbursement of rental replacement housing payment: The head of the displacing entity or his designee should develop procedures to implement RCW 8.26.060 to provide a replacement rental housing payment that will enable the displaced person to rent comparable decent, safe, and sanitary housing. The displacing entity should develop criteria for determining the manner of disbursement of such payment, that is, whether it will be

in the form of a lump sum payment, and/or annual installments, or monthly payments. The criteria should include, as a minimum, the displaced person's present status as to decent, safe and sanitary housing conditions, income, and the wishes of the displaced person.

(2) Payment for purchased replacement housing: If the tenant elects to purchase replacement housing instead of continuing to rent, a payment shall be made to him in the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing, but not exceeding \$4,000, computed as follows:

(a) The down payment shall be the amount necessary to make a down payment on a comparable replacement dwelling. Determination of the amount necessary for such down payment shall be based upon the amount of down payment required for purchase of the dwelling using a conventional loan; plus

(b) Incidental expenses of closing the transaction as described in WAC 365-24-620(3).

(c) Whenever a payment for purchased replacement housing exceeds \$2,000, the tenant must match any amount in excess of the \$2,000 by an equal amount in making the down payment.

(d) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

[Order 74-05, § 365-24-720, filed 10/9/74.]

WAC 365-24-730 Computation of replacement housing payment for certain others. (1) Replacement rental housing payments for displaced owner/occupants who do not qualify for replacement housing payments under WAC 365-24-610 because of the 180-day occupancy requirement and who elect to rent shall be computed in the manner provided in WAC 365-24-720(1).

(2) Replacement housing payments for displaced owner/occupants who do not qualify for replacement housing payments under WAC 365-24-610 because of the 180-day occupancy requirement but who have actually and lawfully occupied for a period of 90 days or more the dwelling unit to be acquired and who elect to purchase a replacement dwelling shall be computed in the manner provided in WAC 365-24-720(2).

[Order 74-05, § 365-24-730, filed 10/9/74.]

ADMINISTRATIVE REVIEW AND RULE MAKING

WAC 365-24-810 Right of review. Any person aggrieved by a determination as to eligibility for, method of determination, or the amount of, a payment authorized by chapter 8.26 RCW and these regulations may have such determination reviewed and reconsidered by the head of the displacing entity having authority over the applicable program or project.

[Order 74-05, § 365-24-810, filed 10/9/74.]

WAC 365-24-820 Initiation of appeal--Notice and statement. Any person aggrieved by determination as to his eligibility for, method of determination, or the

amount of, a payment authorized by chapter 8.26 RCW and these regulations and desiring to invoke the appeal procedures, within 30 days following receipt of notification of the rejection of such claim by the displacing entity or its administrative review board, shall submit to the head of the displacing entity, a notice of appeal which shall include a written statement of the facts pertinent to the case and the decision, if any, of the displacing entity's administrative review board, with respect to such appeal.

[Order 74-05, § 365-24-820, filed 10/9/74.]

WAC 365-24-822 Form of statement. No specified form or format is prescribed, but the statement or letter should state all of the facts and the reasons why the aggrieved person believes the claim should be paid or why he believes he is otherwise aggrieved. For identification, the letter or statement should show the project name and parcel number of the real property involved, and should bear the signature and address of the aggrieved person or his attorney.

[Order 74-05, § 365-24-822, filed 10/9/74.]

WAC 365-24-824 Correction or amendment of notice. If any notice of appeal is found by the displacing entity to be defective or insufficient, such entity may require the persons filing said notice of appeal to correct, clarify or amend the same to conform with the requirements of chapter 8.26 RCW and these regulations. The displacing entity may refuse to schedule any conference or hearing thereon until such requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a specified reasonable time.

[Order 74-05, § 365-24-824, filed 10/9/74.]

WAC 365-24-830 Preliminary review authorized. In order to insure consistent and uniform administration of the relocation assistance program, a displacing entity may establish an administrative review board for a preliminary review of all such claims.

[Order 74-05, § 365-24-830, filed 10/9/74.]

WAC 365-24-832 Notice and time limitation on preliminary review. In the event of such preliminary review, the aggrieved person shall be given 20 days' notice of such review and allowed to present any documents or written statements or written evidence in support of his claim. Such review shall be accomplished within 30 days of the date of hearing and the aggrieved person shall be promptly notified of the rejection or allowance, in whole or in part, of the claim submitted.

[Order 74-05, § 365-24-832, filed 10/9/74.]

WAC 365-24-834 Effect of preliminary review. In the event of such preliminary review, a claim shall not be considered as rejected until it shall have been rejected, in whole or in part, by the administrative review board.

[Order 74-05, § 365-24-834, filed 10/9/74.]

[Title 365 WAC—p 20]

WAC 365-24-840 Applicability of Administrative Procedure Act. (1) In accordance with RCW 8.26.030(1), the provisions of the Administrative Procedure Act (chapter 34.04 RCW) regarding the resolution of contested cases shall be utilized by the head of a displacing entity in resolving any appeal filed pursuant to WAC 365-24-830.

(2) References to "agency" in the Administrative Procedure Act shall be understood to mean "displacing entity" for the purposes of these regulations.

[Order 74-05, § 365-24-840, filed 10/9/74.]

WAC 365-24-850 Appointment of hearing officer. Upon receipt of a notice of appeal, the head of the displacing entity may designate any qualified person as hearing officer with respect to such appeal.

[Order 74-05, § 365-24-850, filed 10/9/74.]

WAC 365-24-852 Hearing officer powers and duties. It shall be the duty of the hearing officer to conduct conferences or hearings in cases assigned to him in an impartial and orderly manner, and he shall have the authority, subject to the other provisions of these regulations:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas on request of any party;
- (3) To rule on all procedural matters, objections and motions;
- (4) To rule on all offers of proof and receive relevant evidence;
- (5) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he deems necessary to fairly and equitably decide the appeal;
- (7) To take any other action necessary and authorized by these regulations and the law.

[Order 74-05, § 365-24-852, filed 10/9/74.]

WAC 365-24-854 Time and place of hearing. Hearing officers shall hold hearings within 45 days following receipt by the displacing entity of the notice of appeal, and upon not less than 20 days' notice to the aggrieved person. Hearings shall be held in the county where the real property is located, or at such other location as may be agreed upon between the hearing officer and the aggrieved person. Failure to hold such hearing within the time specified herein, however, shall not affect the authority of the hearing examiner, the necessity of the hearing, or the rights of the parties involved.

[Order 74-05, § 365-24-854, filed 10/9/74.]

WAC 365-24-856 Evidence. (1) Admissibility: Subject to the other provisions of these regulations, all relevant evidence is admissible which, in the opinion of the hearing officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and

trustworthiness. In passing upon the admissibility of evidence, the hearing officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

(2) Subpoenas: Every subpoena shall state the name of the state agency or local public body and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

(3) Service: Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand the fees for one day's attendance and the mileage allowed by law.

(4) Proof of service: The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the state agency or local public body or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the state agency or local public body and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

(5) Quashing: Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena was issued, any party may

(a) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(b) Condition denial of the motion upon just and reasonable conditions.

(6) Scope - geographical: Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

(7) Depositions and interrogatories: Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within 20 days after the filing of a notice of appeal. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this regulation and the regulation on subpoenas.

(8) Scope (relevance): Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

(9) Protection of parties and deponents: A party desiring to take a deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to all parties. The notice shall state the time and place for taking the deposition, the name

and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or any other order which justice requires.

(10) Recordation - objections: The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony. Objections to notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

(11) Signing attestation and returns: When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefore; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the hearing officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(12) Use and effect - certification: The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefore, the officer

shall furnish a copy of the deposition to any party or to the deponent.

Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

(13) Depositions upon interrogatories: Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

(14) Official notice – matters of law: The hearing officer, upon request made before or during a hearing, will officially notice:

(a) Federal law: The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and official publications;

(b) State law: The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and official publications;

(c) Governmental organization: Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, and several states and foreign nations;

(d) Agency organization: The department, commission or board organization, administration, officers, personnel, and official publications.

(15) Record: The record on any appeal shall consist of the decision or order appealed from the notice of appeal therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, briefs, stipulations or requests duly filed by any party. Such record shall also include all depositions, the transcript of testimony and argument and other proceedings at the hearing, together with all exhibits offered. No part of the records of the agency or local public body or other documents shall be made part of the record unless admitted in evidence.

[Order 74-05, § 365-24-856, filed 10/9/74.]

[Title 365 WAC—p 22]

WAC 365-24-858 Submission of proposed decision and orders. The hearing examiner shall within 30 days after completion of the hearing and record, prepare in writing a proposed decision and order containing findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall file the original, signed by him with the head of the displacing entity and mail by certified or registered first class mail, a copy to each aggrieved person who is a party to the appeal and to his attorney or representative of record.

[Order 74-05, § 365-24-858, filed 10/9/74.]

WAC 365-24-860 Exceptions—Time for filing. Within 20 days, or such further period as the hearing examiner may allow, any party to the appeal may file with the hearing examiner, a written statement of exceptions.

[Order 74-05, § 365-24-860, filed 10/9/74.]

WAC 365-24-862 Reply to exceptions. Any party may, within 15 days after the filing of an exception by an adverse party, submit a reply to exceptions, a written brief, or a statement of position regarding the matters on which exceptions were taken. In such instances, a copy of the transcript of testimony and other proceedings of the hearing shall be made available to the parties.

[Order 74-05, § 365-24-862, filed 10/9/74.]

WAC 365-24-870 Submission or record and issuance of final decision. The entire record, including all exhibits, and proposed finding of fact and conclusion of law, together with all exceptions and replies to exceptions, shall be submitted to the head of the displacing entity having authority over the applicable program or project. Upon receipt of the entire record, the head of the displacing entity having authority over the applicable program or project. Upon receipt of the entire record, the head of the displacing entity in a manner consistent with RCW 34.04.110, shall consider the same and may either adopt, modify, or reject the proposed findings of fact and conclusions of law and proposed order, and shall issue the final decision of the displacing entity. Such decision shall be made within a reasonable time after receipt of the entire record.

[Order 74-05, § 365-24-870, filed 10/9/74.]

WAC 365-24-880 Petitions for rule making. Any interested person may petition the director requesting the promulgation, amendment, or repeal of any rule or regulation.

[Order 74-05, § 365-24-880, filed 10/9/74.]

WAC 365-24-882 Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as the suggested amended form, if any. The petition must also include a statement of the need

or reasons for, or the advisability of the requested rule, proposed amended rule, or repeal of a rule, together with briefs of any applicable law.

[Order 74-05, § 365-24-882, filed 10/9/74.]

WAC 365-24-884 Notice of disposition. The director will notify the petitioning party within a reasonable time of the disposition of the petition.

[Order 74-05, § 365-24-884, filed 10/9/74.]

UNIFORM ACQUISITION POLICIES

WAC 365-24-910 Acquisition procedures. Every state agency and local public body acquiring real property in connection with any program or project shall, to the greatest extent practicable, be guided by the policies and requirements contained in RCW 8.26.180 through 8.26.200. For the purposes of those sections and these regulations and term "acquiring agency" includes both a state agency and a local public body.

[Order 74-05, § 365-24-910, filed 10/9/74.]

WAC 365-24-920 Statement furnished to owner upon initiation of negotiations for acquisition of real property. When negotiations for the acquisitions of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition, which statement includes the information required under RCW 8.26.180(3) as well as a clear identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be part of the real property.

[Order 74-05, § 365-24-920, filed 10/9/74.]

WAC 365-24-930 Relocation costs and awards not to be considered in making appraisals. For real property acquisitions under state law, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items as outlined in Parts IV through VII of these regulations. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided under Parts IV through VII of these regulations. The estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Parts IV through VII of these regulations.

[Order 74-05, § 365-24-930, filed 10/9/74.]

WAC 365-24-940 Consideration of relocation costs of outdoor advertising displays in making appraisals. Notwithstanding any other provisions contained herein, whenever, the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property.

[Order 74-05, § 365-24-940, filed 10/9/74.]

WAC 365-24-950 Acquisition of mobile homes. A state agency or local public body may purchase mobile homes where:

(1) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost; or

(2) The mobile home does not meet the standards for decent, safe, and sanitary dwelling units as set out in WAC 365-24-210(2).

[Order 74-05, § 365-24-950, filed 10/9/74.]

WAC 365-24-960 Appraisal standards. For the purpose of promoting uniformity under RCW 8.26.180, the head of any state agency or local public body engaged in a program of land acquisition shall establish standards for appraisals used in their projects or programs, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers. In preparing such standards, acquiring entities should be guided by the Uniform Appraisal Standards for Federal Land Acquisition published in 1973, by the Interagency Land Acquisition Conference, and any modifications or subsequent revisions thereof. To the maximum extent feasible, this procedural guide should be followed by state agencies and local public bodies in acquiring real property for federally-assisted programs.

[Order 74-05, § 365-24-960, filed 10/9/74.]

Chapter 365-40 WAC

STATE FUNDING OF LOCAL HEAD START PROGRAMS

WAC

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| 365-40-010 | Purpose and authority. |
| 365-40-020 | Definitions. |
| 365-40-041 | Financial support application process. |
| 365-40-051 | Eligibility criteria. |
| 365-40-071 | Method of payment and reporting requirements. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 365-40-030 | Financial support application process. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-030, filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. |
| 365-40-031 | Establishment of advisory council. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-031, filed 7/20/79.] Repealed by 82-07-066 (Order 82-01), filed 3/22/82. Statutory Authority: RCW 43.06.110 and 43.63A.060. |
| 365-40-040 | Eligibility criteria. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-04-040 (codified as WAC 365-40-040), filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. |
| 365-40-050 | Allowed and forbidden uses of state head start funds. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-050, filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. |

- 365-40-060 Method of payment. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-060, filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW.
- 365-40-061 Allowable and unallowable costs. [Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-061, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-061, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-061, filed 7/20/79.] Repealed by 89-21-056 (Order 89-04), filed 10/16/89, effective 11/16/89. Statutory Authority: Chapter 43.63A RCW.

WAC 365-40-010 Purpose and authority. (1) The purpose of this chapter is to outline the conditions and procedures under which state funds will be made available for Head Start programs.

(2) This activity is undertaken pursuant to RCW 43.06.110 and chapter 43.63A RCW.

[Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-010, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-010, filed 10/25/78.]

WAC 365-40-020 Definitions. (1) "Applicant" means a public or private nonsectarian organization which receives federal Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds under the state Head Start match program.

(3) "Department" means the department of community development.

(4) "Director" means the director of the department of community development.

(5) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the OCD-HS HEAD START POLICY MANUAL (OCD Notice N-30-364-4) "Head Start program performance standards," published by the United States Department of Health, Education, and Welfare July 1975.

[Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-020, filed 10/16/89, effective 11/16/89; 88-01-058 (Order 87-20), § 365-40-020, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-020, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-020, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-020, filed 10/25/78.]

WAC 365-40-041 Financial support application process. (1) Each potential applicant will be notified by the department that application for state Head Start financial assistance is to be made to the department.

(2) An applicant must make formal application in the form and manner specified by the department. Failure of an applicant to make application in the specified time will result in no state Head Start funds being allocated.

(3) Applications for state Head Start financial assistance shall contain a description of the services to be provided with state Head Start funds.

(4) The department shall provide a contract for signature to the applicant or a request for additional information.

[Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-041, filed 10/16/89, effective 11/16/89; 86-18-026 (Order 86-02), § 365-40-041, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-041, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-041, filed 7/20/79.]

WAC 365-40-051 Eligibility criteria. In order to receive state Head Start funds, a contractor must currently be receiving federal funds to operate a Head Start program. State Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. The department shall determine the formula for distribution of state funds based on current federal enrollment levels at the time of funding.

[Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-051, filed 10/16/89, effective 11/16/89; 88-01-058 (Order 87-20), § 365-40-051, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-051, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-051, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-051, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-051, filed 7/20/79.]

WAC 365-40-071 Method of payment and reporting requirements. (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) Reports to the department to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the department.

(3) The contractor at time of application, and annually thereafter, shall submit a current audit of funds by an independent auditor or office of state auditor and resolution of findings provided under this rule. Standard accepted auditing techniques shall be used. Such audit may be that conducted for and provided to other funding sources. This audit report must include a breakdown of state funds by contract number.

[Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-071, filed 10/16/89, effective 11/16/89; 88-01-058 (Order 87-20), § 365-40-071, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-071, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-071, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-071, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-071, filed 7/20/79.]

Chapter 365-60 WAC

STATE ADMINISTRATION OF THE LOCAL SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

WAC

- 365-60-010 Purpose and authority.
365-60-020 Policies and procedures.

WAC 365-60-010 Purpose and authority. (1) The purpose of this chapter is to present the conditions and procedures under which the state will administrate available contract authority for specified number of federally assisted dwelling units.

(2) This activity is undertaken pursuant to chapter 43.63A RCW.

[Statutory Authority: Chapter 43.63A RCW. 79-03-004 (Order 79-02), § 365-60-010, filed 2/9/79.]

WAC 365-60-020 Policies and procedures. The policies and procedures followed by the planning and community affairs agency in administering the contract authority awarded to it for the Section 8 housing assistance payments program will coincide with all federal laws and rules governing the Section 8 housing assistance payments program including but not limited to the following: New Construction Regulations 24 CFR 880; Substantial Rehabilitation Regulations 24 CFR 881; Existing Regulations 24 CFR 882; State Agency Regulations 24 CFR 883; Regulations Affecting Eligible Section 8 Recipients 24 CFR 889; Section 11(b) Regulations 24 CFR 811; Community Development and Section 8 Regulations 24 CFR 570 and 24 CFR 891; Department of Housing and Urban Development Act (42 USC 3531, et seq); U.S. Housing Act of 1937 (42 USC 1401, et seq); Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; Executive Orders 11063 and 11246, and Section 3 of the Housing and Urban Development Act of 1968; the National Flood Insurance Act of 1968; Executive Orders 11988 and 11990; the National Environmental Policy Act; the Clean Air Act; the Federal Pollution Control Act; and the Davis-Bacon Act. The Section 8 housing assistance payments program is completely unrelated to and should not be confused with the planning advances program (WAC 365-22-010 through 365-22-090) of the planning and community affairs agency. None of WAC 365-22-010 through 365-22-090 pertain to or are applicable to the state administration of the local Section 8 housing assistance payments program.

[Statutory Authority: Chapter 43.63A RCW. 79-03-004 (Order 79-02), § 365-60-020, filed 2/9/79.]

Chapter 365-70 WAC

ALLOCATING SINGLE FAMILY HOUSING BONDS AMONG LOCAL HOUSING AGENCIES

WAC

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| 365-70-010 | Definitions. |
| 365-70-020 | Applications. |
| 365-70-030 | Distributions. |
| 365-70-040 | Criteria for distribution. |
| 365-70-050 | 1983 distribution. |
| 365-70-060 | Distribution prior to distribution date. |
| 365-70-070 | Confirmation of distribution. |

WAC 365-70-010 Definitions. (1) "Act" means E2SSB No. 3245, chapter 161, Laws of 1983.

(2) "Agency" means the planning and community affairs agency.

(3) "Code" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

(4) "Commission" means the state housing finance commission.

(5) "Local housing agency" means any municipal corporation or other entity authorized under state law to issue bonds for the financing of single family housing in accordance with section 103A of the code.

(6) "Distribution date" means the date by which the director of the agency will make the allocation of single housing family bonds among local housing agencies.

[Statutory Authority: 1983 c 161 § 20. 83-17-047 (Order 83-03), § 365-70-010, filed 8/16/83.]

WAC 365-70-020 Applications. (1) Any local housing agency which intends to issue bonds within a calendar year for the financing of single family housing in accordance with the code, shall submit an application to be received by the agency no later than January 1 of such year: *Provided*, That for calendar year 1983 such application shall be received no later than July 1, 1983.

(2) Such application shall contain the following information: (i) The jurisdiction served by the applicant and the population of such jurisdiction; (ii) the amount of bonds intended to be issued during the calendar year; (iii) the amount of housing to be supplied as a result of such financing; (iv) a description of the housing and financing proposed; (v) a statement regarding the likelihood of completing such financing during the calendar year (reference should be made to the existence of bond purchase contracts or other documentation already executed or scheduled to be executed); (vi) a statement regarding the consistency of the project(s) with the plan of the commission, if available; (vii) a statement concerning coordination with other applicable federal and state programs; (viii) any other information the applicant believes is pertinent to the agency's decision to grant an allocation distribution.

[Statutory Authority: 1983 c 161 § 20. 83-17-047 (Order 83-03), § 365-70-020, filed 8/16/83.]

WAC 365-70-030 Distributions. The director of the agency shall make a distribution of all or a portion of the allocation of single family housing bonds available to local housing agencies pursuant to the act and the code. Such distribution shall be made by the director no later than February 1: *Provided*, That for 1983 it shall be made no later than September 1, 1983. The distribution shall be announced in writing, mailed to each applicant and copies thereof made available by the director to all interested parties.

[Statutory Authority: 1983 c 161 § 20. 83-17-047 (Order 83-03), § 365-70-030, filed 8/16/83.]

WAC 365-70-040 Criteria for distribution. In determining such distribution the director shall attempt to make available to local housing agencies and the commission the maximum amount of housing financing allocable pursuant to the code and the act. The director shall specifically consider:

- (1) The amount of housing to be made available by each applicant;
- (2) The population within the jurisdiction of each applicant;
- (3) Coordination with other applicable federal and state housing programs;
- (4) The likelihood of implementing the proposed financing during that year; and
- (5) Consistency with the plan of the commission, if available.

[Statutory Authority: 1983 c 161 § 20. 83-17-047 (Order 83-03), § 365-70-040, filed 8/16/83.]

WAC 365-70-050 1983 Distribution. For calendar year 1983 the distribution to a local housing agency shall include bonds issued by it on or before June 30, 1983, but in an amount not to exceed twenty-five million dollars per issuer and in an aggregate amount for all local housing agencies not to exceed forty-six million dollars.

[Statutory Authority: 1983 c 161 § 20. 83-17-047 (Order 83-03), § 365-70-050, filed 8/16/83.]

WAC 365-70-060 Distribution prior to distribution date. A local housing agency may request a decision regarding its distribution amount prior to the distribution date if a bond issue is scheduled to be sold prior to the distribution date and a failure to certify such a distribution would impose an unavoidable or serious hardship on the local agency and its housing program. The director may, under such circumstances, grant a specific allocation in advance of the distribution date if such action would not seriously impair the ability of another applicant to issue bonds which would otherwise be likely to be allocated on the distribution date.

[Statutory Authority: 1983 c 161 § 20. 83-17-047 (Order 83-03), § 365-70-060, filed 8/16/83.]

WAC 365-70-070 Confirmation of distribution. Each local housing authority that receives a distribution must confirm its distribution by providing the agency with a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood that the distribution will be fully used. Any portion of such distribution which is not confirmed will be added to the allocation of the commission. Such confirmation must be received by the agency no later than June 1: *Provided*, That for 1983 such confirmation must be received no later than October 1, 1983. The agency shall provide written notice of any change in the distribution to the affected local housing authority prior to the effectiveness of any such change.

[Statutory Authority: 1983 c 161 § 20. 83-17-047 (Order 83-03), § 365-70-070, filed 8/16/83.]

Chapter 365-80 WAC

FIRE PROTECTION CONTRACTS FOR STATE FACILITIES WITH CITIES AND TOWNS

WAC

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| 365-80-010 | General purpose. |
| 365-80-020 | Eligible agencies. |
| 365-80-030 | State facilities. |
| 365-80-040 | Fire protection services. |
| 365-80-050 | Basic fire protection payment. |
| 365-80-060 | Method of determining square footage of state facilities. |
| 365-80-070 | Payments. |
| 365-80-080 | Decisions of the planning and community affairs agency final. |
| 365-80-090 | Unexpended funds. |

WAC 365-80-010 General purpose. The purpose of these rules is to implement provisions of RCW 35.21.775 as amended by chapter 146 Laws of 1983. RCW 35.21.775 provides that when state owned facilities are located within incorporated cities or towns, the state agency or state institution shall contract with the city or town for fire protection services to such state facilities. An exception is provided when fire protection services are performed by state staff and equipment or through an existing contract with a fire protection district pursuant to RCW 52.36.020. Funding for fire protection contracts has been appropriated to the planning and community affairs agency by the legislature. These rules are intended to provide the criteria and procedures that the planning and community affairs agency will utilize to distribute these funds to eligible cities.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-010, filed 9/20/83.]

WAC 365-80-020 Eligible agencies. Agencies eligible for fire protection contracts under this program shall be incorporated cities and towns that have state facilities located within their city limits. A city shall not be eligible for compensation under this program where the state agency provides fire protection with its own staff and equipment or through an existing contract with a fire protection district pursuant to RCW 52.36.020. Provided that the provisions of these rules shall not apply where the municipality and the state agency have entered into an agreement to provide one hundred percent of the state agency's proportional share of the city's or town's fire budget pursuant to chapter 87 Laws of 1983.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-020, filed 9/20/83.]

WAC 365-80-030 State facilities. For purposes of this program, state facilities shall be defined as buildings or equipment, owned by the state or an agency or institution of the state, except those leased to a non tax-exempt person or organization. Such state facilities shall be located within the corporate limits of a city or town. Where state facilities are located on a site partially within and partially outside of the corporate limits of a city or town, this program shall apply only to that portion of the state facilities located within the corporate limits of the municipality.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-030, filed 9/20/83.]

WAC 365-80-040 Fire protection services. Fire protection services shall be defined as those fire services normally provided by the city or town for the protection and safety of personnel and property. Where the state facility creates special costs in personnel and equipment, the city or town and the state agency may negotiate a separate contract for additional funding to the municipality above the basic payments provided for under WAC 365-80-050.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-040, filed 9/20/83.]

WAC 365-80-050 Basic fire protection payment. Basic fire protection payments shall be payments made by the planning and community affairs agency to eligible cities and towns for fire protection for state facilities covered by this program. Payments shall be based on the total amount of funds appropriated to the planning and community affairs agency by the legislature for the fiscal year, divided by the total square footage of state facilities in the state as defined in WAC 365-80-030 and multiplied in each case by the square footage of state facilities in the city or town. Provided that a minimum payment of one hundred dollars will be made to eligible cities and towns.

Where basic fire protection payments are considered by the municipality to be inadequate to fund the cost to the city of providing fire protection services to the state facility, or where the state agency desires to receive a higher level of fire protection, the municipality and the state agency may negotiate for additional funding by the state agency pursuant to chapter 87 Laws of 1983. The planning and community affairs agency will make all basic fire protection payments directly to the municipality.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-050, filed 9/20/83.]

WAC 365-80-060 Method of determining square footage of state facilities. The square footage of state facilities covered by this program shall be determined by the planning and community affairs agency on an annual basis. In the first quarter of each fiscal year, the planning and community affairs agency will request all state agencies and state institutions to update the survey of their state facilities. The updated survey will then be provided by PCAA to all affected cities and towns for their review. Cities and towns shall have 15 days to comment on the accuracy of the survey. After the passage of the 15-day review and comment period, PCAA will determine the distribution of available fire protection funds to eligible agencies. Where state facilities are under construction, PCAA will make a determination of square footage based on estimated levels of completion during the contract period. No adjustments will be made until the following year for new square footage built or acquired, or for errors discovered after the entitlements are determined.

(1990 Ed.)

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-060, filed 9/20/83.]

WAC 365-80-070 Payments. One annual payment shall be made to each eligible agency for fire protection services. The payments will be made to each eligible agency upon execution of an appropriate contract and submittal of the required voucher. Payments will be scheduled to be made prior to the end of the second quarter of each fiscal year.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-070, filed 9/20/83.]

WAC 365-80-080 Decisions of the planning and community affairs agency final. All decisions of the planning and community affairs agency regarding square footage of state facilities and basic fire protection payments under this program shall be final.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-080, filed 9/20/83.]

WAC 365-80-090 Unexpended funds. Any funds rejected by eligible agencies may be reallocated by the planning and community affairs agency.

[Statutory Authority: RCW 35.21.775 as amended by 1983 c 146. 83-19-063 (Order 83-06), § 365-80-090, filed 9/20/83.]

Chapter 365-90 WAC SUPPLEMENTAL LAW ENFORCEMENT RESOURCES FOR BORDER AREAS

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| WAC | |
| 365-90-010 | Declaration of public policy. |
| 365-90-020 | Definitions. |
| 365-90-030 | Eligible jurisdiction. |
| 365-90-040 | Allocation of funds. |
| 365-90-050 | Procedure for notification and distribution. |
| 365-90-060 | Responsibilities of eligible jurisdictions. |
| 365-90-070 | Changes. |
| 365-90-080 | Unexpended funds. |
| 365-90-090 | Annual review. |

WAC 365-90-010 Declaration of public policy. The following regulations are adopted pursuant to chapter 34.04 RCW, for the purpose of distributing funds appropriated by the legislature as supplemental resources for border areas, and commonly referred to as the bordertowns program.

The legislature has found and declared that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. In addition, the legislature has further found that it is in the public interest and for the protection of the health, property, and welfare of both the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas.

Funding for the bordertowns program has been appropriated to the planning and community affairs agency by the legislature. These rules are intended to provide the criteria and procedures that the planning

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and community affairs agency will utilize to distribute these funds to eligible jurisdictions.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-010, filed 10/27/83.]

WAC 365-90-020 Definitions. (1) "Agency" means the planning and community affairs agency and any of its employees or personnel designated thereof.

(2) "Border areas" means any incorporated city or town located within seven miles of the Washington-Canadian border and any point of land surrounded on three sides by water and adjacent to the Canadian border. Further, border areas are based on measurements from the boundary of Canada to the incorporated jurisdiction or affected area.

(3) "Formula" means the formula developed by the planning and community affairs agency under RCW 43.63A.190 based on border traffic and historical public impacts of law enforcement problems.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-020, filed 10/27/83.]

WAC 365-90-030 Eligible jurisdiction. Jurisdictions eligible to receive funds under the bordertowns program are incorporated cities or towns within seven miles of the Washington-Canadian border and any point of land surrounded on three sides by water and adjacent to the Canadian board. These jurisdictions include the following: (1) Blaine, (2) Everson, (3) Lynden, (4) Northport, (5) Oroville, (6) Sumas, (7) Port Angeles, (8) Friday Harbor, and (9) Whatcom county. All funds received by Whatcom county shall be spent within the Point Roberts area.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-030, filed 10/27/83.]

WAC 365-90-040 Allocation of funds. Funds appropriated by the legislature shall be allocated to the eligible jurisdictions based on criteria to include but not be limited to the following: (1) Traffic, (2) crime, and (3) per capita law enforcement budget.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-040, filed 10/27/83.]

WAC 365-90-050 Procedure for notification and distribution. Upon appropriation of funds by the legislature, the agency shall provide public notice of the availability of funds. The agency shall hold a public meeting to discuss the appropriation, the allocation formula, and any recent changes that may affect the purpose of the program or the allocation of funds.

After holding the public meeting, the agency will allocate funds to eligible jurisdictions.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-050, filed 10/27/83.]

WAC 365-90-060 Responsibilities of eligible jurisdictions. Eligible jurisdictions are responsible for complying with the legislative intent of the bordertowns program as cited in RCW 43.63A.190. The legislative intent shall be met by the following:

(1) Utilization of funds to augment and maintain existing levels of local police service.

(2) Utilization of funds for the procurement of law enforcement personnel, equipment or activities within the local police department which will be directly rendered in the control or curtailment of border related traffic and criminal problems. Funds are not appropriated for the purpose of increasing existing police personnel salaries, wages, or benefits, except that funds may be used to pay existing and/or new police personnel for overtime work.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-060, filed 10/27/83.]

WAC 365-90-070 Changes. The agency, after consultation, discussion, or advisement, may modify or make minor adjustments to the formula for allocation of funds for the program. All decisions of the agency under this program shall be final.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-070, filed 10/27/83.]

WAC 365-90-080 Unexpended funds. Any unspent funds may be reallocated by the agency to other eligible jurisdictions.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-080, filed 10/27/83.]

WAC 365-90-090 Annual review. The bordertowns program shall be reviewed on an annual basis with the eligible jurisdictions.

[Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-090, filed 10/27/83.]

Chapter 365-100 WAC

WINTER UTILITY MORATORIUM PROGRAM

WAC

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|-------------|------------------------------|
| 365-100-010 | General purpose. |
| 365-100-020 | Definitions. |
| 365-100-030 | Applicant responsibilities. |
| 365-100-040 | Contractor responsibilities. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 365-100-050 | Utility responsibilities. [Statutory Authority: RCW 43.63A.080. 84-21-087 (Order 84-02), § 365-100-050, filed 10/19/84.] Repealed by 85-05-017, Order 84-02, filed 2/13/85. Statutory Authority: RCW 43.63A.080. |
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WAC 365-100-010 General purpose. The following regulations are adopted pursuant to chapter 245, Laws of 1986 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply electricity or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and its contractors will implement this program pursuant to chapter 245, Laws of 1986.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-010, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-010, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-010, filed 10/19/84.]

WAC 365-100-020 Definitions. The following definitions shall apply to terms in chapter 245, Laws of 1986, and/or this chapter:

"Applicant" refers to a client of a community action agency or other public or private nonprofit organization, or a current customer of a utility company, or an applicant for service of a utility company, who applies for the moratorium program or other energy assistance.

"Contractor" means community action agency or other public or private nonprofit organizations providing energy assistance and weatherization services under contract with the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant signs that acknowledges household gross income, self-certified income, and seven percent of household's income. The statement acknowledges whether the income is verified or unverified, whether the applicant has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant. The statement also acknowledges that the applicant agrees to enter into a payment plan, to pay the past due bill by October 15 even if they move, to pay for continued utility service, and to apply any assistance received to the bill.

"Date of application" means the day the applicant notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the applicant.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program, a federally-funded block grant.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

"Utility" means regulated electric and gas companies, public utility districts, and municipal electric suppliers.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-020, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-020, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-020, filed 10/19/84.]

WAC 365-100-030 Applicant responsibilities. (1) The applicant shall notify the utility of the inability to pay the bill, or the security deposit, within five business days. Notification may be made in person, in writing, or by telephone.

(2) The applicant shall contact the contractor within five business days from the date of notification to the utility to complete a client income statement. The applicant shall self-certify twelve months of household income.

(3) The applicant shall provide the utility with the completed client income statement of unverified income within twenty days from the date of application. Verified income, or acceptance of self-certification, must be supplied to the utility within forty-five days of application. (See WAC 365-100-040.)

(4) At the time the client income statement is submitted to the utility, the applicant shall enter an agreement to pay no less than seven percent of the applicant's household monthly income, plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15, during the period of the utility moratorium.

(5) Prior to March 15, the applicant and the utility shall enter into an agreement with the specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-030, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-030, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-030, filed 10/19/84.]

WAC 365-100-040 Contractor responsibilities. (1) The contractor may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program. The contractor may accept the applicant's self-certification of income in determining eligibility, or verify and document income in accordance with LIHEAP procedures. In either instance, the contractor shall notify the utility and the applicant of the applicant's eligibility no later than forty-five days from the date of application.

(2) The contractor shall provide the client income statement and assist the applicant in completing the statement when applying for the moratorium program. If the applicant contacts the contractor to apply for the moratorium program before notifying the utility of their inability to pay the bill, the contractor shall instruct the applicant to immediately contact the utility.

(3) The contractor shall interview the applicant for energy and weatherization assistance.

(4) The contractor shall provide the client income statement of unverified income to the applicant within twenty days from the date of application.

(5) The contractor shall inform the applicant that default on an agreed payment plan with the utility will remove moratorium protection until the past due bill is paid.

(6) The contractor shall advise the applicant that disconnection of services is possible if:

(a) Verified income is not supplied to the utility within forty-five days of application and no interim payment agreement has been made with the utility by the applicant.

(b) The applicant has been determined income ineligible.

(7) The contractor shall inform the applicant that the utility is required to offer a choice between a budget billing plan or equal payment plan.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-040, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-040, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-040, filed 10/19/84.]

Chapter 365-110 WAC STATE BUILDING CODE--BUILDING PERMIT SURCHARGES AND FEES

WAC

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| 365-110-010 | Authority. |
| 365-110-020 | Purpose. |
| 365-110-035 | Definitions. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 365-110-030 | Sufficient federal funds not available. [Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-030, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-030, filed 9/13/85.] Repealed by 90-09-008 (Order 90-01), filed 4/6/90, effective 5/7/90. Statutory Authority: Chapters 19.27 and 19.27A RCW. |
| 365-110-040 | Collection of energy studies surcharge. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-040, filed 9/13/85.] Repealed by 90-09-008 (Order 90-01), filed 4/6/90, effective 5/7/90. Statutory Authority: Chapters 19.27 and 19.27A RCW. |
| 365-110-050 | Collection of State Building Code fee. [Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-050, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-050, filed 9/13/85.] Repealed by 90-09-008 (Order 90-01), filed 4/6/90, effective 5/7/90. Statutory Authority: Chapters 19.27 and 19.27A RCW. |
| 365-110-060 | Transmittal of funds. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-060, filed 9/13/85.] Repealed by 90-09-008 (Order 90-01), filed 4/6/90, effective 5/7/90. Statutory Authority: Chapters 19.27 and 19.27A RCW. |
| 365-110-080 | Termination. [Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-080, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-080, filed 9/13/85.] Repealed by 90-09-008 (Order 90-01), filed 4/6/90, effective 5/7/90. Statutory Authority: Chapters 19.27 and 19.27A RCW. |

WAC 365-110-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW

43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

[Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-010, filed 9/13/85.]

WAC 365-110-020 Purpose. The purpose of these rules is to provide definitions to assist the collection of building permit fees as mandated by chapter 19.27 RCW.

[Statutory Authority: Chapters 19.27 and 19.27A RCW. 90-09-008 (Order 90-01), § 365-110-020, filed 4/6/90, effective 5/7/90. Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-020, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-020, filed 9/13/85.]

WAC 365-110-035 Definitions. 1. DEPARTMENT shall mean the department of community development.

2. STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapters 19.27 and 19.27A RCW.

3. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

[Statutory Authority: Chapters 19.27 and 19.27A RCW. 90-09-008 (Order 90-01), § 365-110-035, filed 4/6/90, effective 5/7/90. Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-035, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-035, filed 9/13/85.]

Chapter 365-120 WAC STATE FUNDING OF LOCAL EMERGENCY SHELTER PROGRAMS

WAC

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| 365-120-010 | Authority. |
| 365-120-020 | Purpose. |
| 365-120-030 | Definitions. |
| 365-120-040 | Contractor funding allocation. |
| 365-120-050 | Applicant eligibility criteria. |
| 365-120-060 | Financial support application process. |

WAC 365-120-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which

provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

[Statutory Authority: RCW 43.63A.060, 87-19-112 (Order 87-12), § 365-120-010, filed 9/18/87; 86-03-008 (Order 85-19), § 365-120-010, filed 1/6/86.]

WAC 365-120-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local emergency shelter programs.

[Statutory Authority: RCW 43.63A.060, 86-03-008 (Order 85-19), § 365-120-020, filed 1/6/86.]

WAC 365-120-030 Definitions. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local emergency shelter programs.

(4) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter services.

(5) "Applicant" means a public or private nonprofit organization including local government entities, or a combination thereof, which applies for state emergency shelter funds.

(6) "Contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to provide emergency shelter services.

(7) "Lead agency contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to administer subcontracts with one or more local agency providers of emergency shelter services.

(8) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter nor sufficient funds to purchase a place to stay.

(9) "Voucher system" means a method of purchasing emergency shelter services by the night using a notification coupon.

(10) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(11) "Short-term" means one to thirty-one days.

(12) "Families" means one or more adults with dependent children under 18.

(13) "Congregate care facility" means a licensed boarding home or a licensed private establishment which

has entered into a congregate care contract with the department of social and health services (WAC 388-15-560).

(14) "Group care facility" means an agency maintained and operated for the care of a group of children on a 24-hour basis (WAC 388-73-014(1)).

(15) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036 (WAC 388-73-014(6)).

(16) "Detoxification center" means a public or private agency or program of an agency which is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(17) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter services for some period during the most recent fiscal year.

(18) "Participating agency" means a local public or private nonprofit organization which enters into a sub-contract with a lead agency contractor to provide emergency shelter services.

(19) "Safe home" means a private home where short term emergency shelter is provided primarily to victims of domestic violence.

[Statutory Authority: RCW 43.63A.060, 87-19-112 (Order 87-12), § 365-120-030, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-030, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-030, filed 1/6/86.]

WAC 365-120-040 Contractor funding allocation. Each county of the state is allocated a portion of the total contractor appropriation by the legislature according to the following formula:

(1) Five thousand dollars minimum allocation to every county to offset the limited resources and higher costs of providing services in rural areas;

(2) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred percent of poverty using federal guidelines; and

(3) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(4) Any increases in appropriations to this program by the legislature will be allocated according to each county's percent of the total state appropriation which was determined in subsections (1), (2), and (3) of this section.

The department may award the combined allocation of two or more counties to a single applicant.

The department may award a contract to one lead agency contractor in each county with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local agency providers of emergency shelter services.

The department will give priority in the awarding of allocations to applicants who serve families and children in need of shelter.

In the event that funds are not claimed by an eligible organization in a county, or that a portion of the funds allocated to a county remain unspent, two thirds of those funds will be awarded to shelters serving the homeless mentally ill in King County and one third of the funds will be awarded to shelters serving the homeless mentally ill in Pierce County.

The department will pay for services provided under the state emergency shelter assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

[Statutory Authority: RCW 43.63A.060. 87-19-112 (Order 87-12), § 365-120-040, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-040, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-040, filed 1/6/86.]

WAC 365-120-050 Applicant eligibility criteria. (1) The applicant for funding as a participating agency must have been a provider of emergency shelter for one year prior to the beginning date of the contract year.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency shelter.

(3) The applicant must not require residency in the designated service area as a requirement for a homeless person to receive services.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny shelter to a homeless person because of his or her inability to pay.

(6) The applicant for funding as a participating agency must provide short-term emergency shelter services either directly through a shelter facility, through a voucher system, or through a safe home.

(7) The applicant for lead agency contractor must be authorized by the applicant participating agencies within each county for which funds are applied.

(8) The applicant for lead agency contractor may or may not actually provide emergency shelter program services.

(9) The applicant must be a public or private non-profit organization, or a local government entity.

(10) Group care facilities, crisis residential centers, congregate care facilities, and detoxification centers are not eligible to receive emergency shelter assistance funding.

[Statutory Authority: RCW 43.63A.060. 87-19-112 (Order 87-12), § 365-120-050, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-050, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-050, filed 1/6/86.]

WAC 365-120-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency shelter financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 -

June 30. Failure of an applicant to make application in a timely manner, as specified by the department, will result in denial of the funding request.

(3) Department funds may not be substituted for other existing funding sources.

(4) The total amount of funds provided to a contractor under this program may not exceed the total funding received from other sources for emergency shelter services during the fiscal year.

(5) Administrative costs under this program are limited to ten percent of the total award for providing direct services. The administrative costs of a contractor that provides direct emergency shelter services and also serves as a lead agency contractor are limited to ten percent of the contractor award for providing direct services plus ten percent of the multi-agency service provider contract total. However, total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

[Statutory Authority: RCW 43.63A.060. 87-19-112 (Order 87-12), § 365-120-060, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-060, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-060, filed 1/6/86.]

Chapter 365-130 WAC BOND USERS CLEARINGHOUSE

WAC

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| 365-130-010 | Purpose of the bond users clearinghouse. |
| 365-130-020 | Definitions. |
| 365-130-030 | Collection of municipal bond information. |
| 365-130-040 | Publication of municipal bond information. |

WAC 365-130-010 Purpose of the bond users clearinghouse. In accordance with chapter 39.44 RCW, RCW 43.63A.155, and chapter 130, Laws of 1985, the department of community development will maintain records of bonds issued by local governments in the state of Washington. The purpose of the bond users clearinghouse is to collect information which identifies the amount, type, and cost of municipal bonds being issued. The bond users clearinghouse will serve as an information source for local governments regarding the municipal bond market and as a public record of municipal bond issues.

[Statutory Authority: RCW 43.63A.155. 86-06-024 (Order 85-18), § 365-130-010, filed 2/27/86.]

WAC 365-130-020 Definitions. (1) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation created by such an entity.

(2) "Bond" means any agreement which may or may not be represented by a physical instrument, including

notes, warrants, or certificates of indebtedness, that evidences an indebtedness of a state or a local government or a fund thereof, where the state or local government agrees to pay a specified amount of money, with or without interest, at a designated time or times to either registered owners or bearers, and also including any other indebtedness that may be issued by the state or local government to fund private activities or purposes where the indebtedness is of a nonrecourse nature payable from private sources, except obligations subject to chapter 39.84 RCW.

[Statutory Authority: RCW 43.63A.155. 86-06-024 (Order 85-18), § 365-130-020, filed 2/27/86.]

WAC 365-130-030 Collection of municipal bond information. (1) The department of community development will supply to local governments and state agencies a form for reporting bond issue information. Information to be reported will be based on the requirements of RCW 39.44.210, 39.44.230, and chapter 130, Laws of 1985, and will include the names of the principals involved in the bond issue, in conjunction with the purpose of the bond users clearinghouse, as stated in WAC 365-130-010. Copies of the bond covenants and the official statement may also be required.

(2) Local governments, except those for whom the state fiscal agency acts as the bond registrar, must return the completed form and any other pertinent documents requested, including a copy of the bond covenants, to the department of community development within thirty days of the bond issuance.

(3) When the state fiscal agency acts as the bond registrar for a local government, the state fiscal agency will return the completed form and pertinent documents to the department of community development within thirty days of the bond issuance.

(4) State agencies issuing bonds are requested to voluntarily submit the completed form or the equivalent information to the department of community development within thirty days of the bond issuance.

[Statutory Authority: RCW 43.63A.155. 86-06-024 (Order 85-18), § 365-130-030, filed 2/27/86.]

WAC 365-130-040 Publication of municipal bond information. The department of community development will publish summaries of bond issues at least annually. Bond users clearinghouse summaries will be available to local governments, the legislature, state agencies, and the general public upon request.

[Statutory Authority: RCW 43.63A.155. 86-06-024 (Order 85-18), § 365-130-040, filed 2/27/86.]

Chapter 365-135 WAC BOND CAP ALLOCATION

WAC

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| 365-135-010 | Purpose. |
| 365-135-020 | Definitions. |
| 365-135-030 | Initial allocations. |
| 365-135-040 | Procedure for obtaining an allocation, extension, or carryforward. |

(1990 Ed.)

365-135-050 Fees.
365-135-060 Criteria for small issue (industrial revenue) bonds.

WAC 365-135-010 Purpose. The federal Tax Reform Act of 1986 imposes an annual ceiling on each state limiting the dollar volume of certain private activity bonds that can be issued. To allocate this ceiling among eligible issuers in Washington state, chapter 297, Laws of 1987 has been enacted. In accordance with the statute, the department of community development will allocate the state's private activity bond ceiling and establish by rule a fee schedule. The department will carry out such functions through the bond cap allocation program (BCAP).

[Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-010, filed 9/16/87.]

WAC 365-135-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly provides otherwise.

Allocation assessment: The fee which is comprised of both the issuer's filing fee and approval fee and is assessed by the department upon an issuer, based upon the following formula: 1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Approval fee: The amount of an issuer's allocation assessment less the filing fee.

Department: The Washington state department of community development.

Filing fee: A fee which is payable to the department in the amount of three hundred dollars and is due from the issuer upon filing an allocation request.

Reallocation: The assignment of an unused portion of the state ceiling from one bond use category to another or the provision of a certificate of approval to any issuer for an allocation amount which previously had been returned to the department.

Statute: Chapter 297, Laws of 1987.

[Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-020, filed 9/16/87.]

WAC 365-135-030 Initial allocations. Initial allocations shall be made in accordance with provisions of the statute. In addition, until September 1 of each calendar year, at least twenty-five percent of the initial allocation for the small issue bond use category shall be reserved for the community economic revitalization board's umbrella bond program, except that this amount may be reduced if the board indicates that a reduced amount is appropriate.

[Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-030, filed 9/16/87.]

WAC 365-135-040 Procedure for obtaining an allocation, extension, or carryforward. No issuer may receive an allocation of the state ceiling without a certificate of approval from the department.

Issuers may apply for a certificate of approval by submitting a completed allocation request form to the department and paying a three hundred dollar filing fee.

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An allocation request form will be available from the department.

The department will respond to any such completed request in accordance with the statute. Each issuer that receives a certificate of approval for allocation will be concurrently notified of an approval fee due. The issuer must either confirm its intention to use its allocation by paying the approval fee in accordance with WAC 365-135-050 (3)(b) or lose the allocation approval. If an issuer does not issue private activity bonds or mortgage credit certificates in the amount and by the date for which it has received a certificate of approval, the unused amount shall revert to the department for reallocation, unless an extension or carryforward is granted.

An issuer may apply for an extension or carryforward of its allocation by submitting its request to the department and supplying any additional information required by the department. The department will promptly notify the issuer if any fees are due and respond to the request for extension or allocation in a timely manner.

[Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-040, filed 9/16/87.]

WAC 365-135-050 Fees. A fee schedule is hereby established, which will consist of:

(1) A filing fee, due at the time a request is filed with the department of community development; and

(2) An approval fee, due after the department approves an allocation amount for an issuer; and

(3) In certain cases, an extension or carryforward fee.

If an issuer's allocation request is denied, only the filing fee is due. The filing fee and the approval fee together comprise the issuer's allocation assessment, the total amount of which is based on the following formula:

1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Annually, the department will determine if an adjustment of the fees is warranted by reviewing the account of BCAP revenues and expenses for the preceding fiscal year and by considering BCAP budget projections for the following fiscal year.

Payment of the fees will occur as indicated by the schedule below.

(a) Filing. Upon filing an allocation request, the issuer must submit a nonrefundable filing fee of three hundred dollars, which will count as part of the total allocation assessment if an allocation of the state ceiling is granted. The issuer may also elect to pay in advance any additional amount toward the balance of its anticipated allocation assessment.

(b) Approval. Any request that receives allocation approval will be concurrently notified of the approval fee amount due. The approval fee represents the unpaid balance of the allocation assessment. Within fifteen business days from the date the department of community development grants an allocation approval, the issuer must submit the approval fee or lose the allocation approval, except that any amount of the approval fee greater than one thousand dollars may be payable within

ten business days from the date the bond sale is closed or at such date as agreed upon by both the department and the issuer.

(c) Extensions and carryforwards. The department may assess an additional filing fee, not to exceed two hundred fifty dollars, upon any request for extension or carryforward. However, if the BCAP administrator determines that an issuer's allocation assessment includes a sufficient amount to pay for the additional administrative expenses associated with granting or denying such a request, the additional fee shall be waived.

(d) Refunds. If a requesting issuer pays any fee greater than the amount assessed by the department, that amount shall be refunded by the department.

[Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-050, filed 9/16/87.]

WAC 365-135-060 Criteria for small issue (industrial revenue) bonds. In addition to the statute, the following guidelines will be used as criteria for evaluating small issue requests:

(1) Until June 1 of each year, a minimum percentage of the ceiling available for small issues will be set aside for issuers in those locations which BCAP designates by certain geographic and distress indicators, as follows:

| <u>Designation</u> | <u>Allocation set-aside</u> |
|--------------------|-----------------------------|
| East/distressed | 15% or greater |
| West/distressed | 15% or greater |
| East/nondistressed | 10% or greater |

(2) In evaluating the number of employment opportunities a project would offer in relationship to the dollars which would be allocated from the ceiling, priority will be given to those projects, relative to their appropriate designation, which do not exceed the following ratios for dollars allocated per job:

| <u>Designation</u> | <u>\$(in thousands) per job offered</u> |
|--------------------|--|
| East/distressed | \$292.2/job |
| East/nondistressed | 121.6/job |
| West/distressed | 246.2/job |
| West/nondistressed | 206.6/job |
| State-wide | 216.8/job |

(3) If the department finds that a particular project does not meet the guidelines in this section, but is nonetheless in the best interest of the state, the department may approve the request. Factors that may lead to such a finding include the following:

(a) The level of unemployment in a particular community within a county, to the extent that figures are available from the Washington state employment security department; and

(b) The number of secondary or spin-off jobs expected to be generated by the project.

(4) If demand for allocation exceeds the amount available, priority will be given to counties designated as distressed, using unemployment figures from the employment security department.

(5) The department will review these guidelines at least annually.

[Statutory Authority: 1987 c 297, 87-19-082 (Order 87-18), § 365-135-060, filed 9/16/87.]

Chapter 365-140 WAC

STATE FUNDING OF LOCAL EMERGENCY FOOD PROGRAMS

WAC

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| 365-140-010 | Authority. |
| 365-140-020 | Purpose. |
| 365-140-030 | Definitions. |
| 365-140-040 | Contractor funding allocation and award of contracts. |
| 365-140-050 | Applicant eligibility criteria. |
| 365-140-060 | Financial support application process. |

WAC 365-140-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

[Statutory Authority: RCW 43.63A.060, 87-19-113 (Order 87-11), § 365-140-010, filed 9/18/87; 86-08-043 (Order 85-15), § 365-140-010, filed 3/27/86.]

WAC 365-140-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local emergency food programs.

[Statutory Authority: RCW 43.63A.060, 86-08-043 (Order 85-15), § 365-140-020, filed 3/27/86.]

WAC 365-140-030 Definitions. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Food bank" means a site where food is collected and distributed to clients at no charge.

(4) "Food distribution center" means a site where food is collected, warehoused, and distributed to food banks without charge on a regional, county, or statewide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients.

(6) "Emergency food assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local food banks and food distribution centers.

(7) "Applicant" means a public or private nonprofit organization, which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract

with the department of community development to provide emergency food assistance to individuals.

(9) "Lead agency contractor" means a contractor which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(11) "Unmet need" means an area of the state, region, or county that is currently not being adequately served by existing emergency food assistance providers.

(12) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency contractor to provide emergency food program services.

[Statutory Authority: RCW 43.63A.060, 87-19-113 (Order 87-11), § 365-140-030, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-030, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-030, filed 3/27/86.]

WAC 365-140-040 Contractor funding allocation and award of contracts. Each county of the state is allocated a portion of the total appropriation by the legislature.

(1) Sixty percent of total funds shall be provided by county to a public or private nonprofit organization for food banks.

(2) Forty percent of total funds shall be provided by county to a public or private nonprofit organization for food distribution centers.

(3) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee. The formula shall address the following:

- (a) Poverty population in each county;
- (b) Unemployed population in each county; and
- (c) Unmet needs in each county.

(4) The department may award the combined allocation for two or more counties to a single applicant.

(5) The department shall award a food bank contract to one lead agency contractor in each county, with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local providers of emergency food bank services.

(6) The department shall award a contract to food distribution centers which are designated by the emergency food assistance program and the food bank lead agency contractors.

(7) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(8) In the event that funds are not claimed by an eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the lead agency contractor may request permission from the department to reallocate funds to an area of unmet need.

[Statutory Authority: RCW 43.63A.060. 89-22-032, § 365-140-040, filed 10/27/89, effective 11/27/89; 87-19-113 (Order 87-11), § 365-140-040, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-040, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-040, filed 3/27/86.]

WAC 365-140-050 Applicant eligibility criteria. (1) The applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, have a sponsor providing 501(c)3 status, or be a public nonprofit agency.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency food.

(3) The applicant must provide food to individuals in an emergency, regardless of residency.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny food to an individual because of his or her inability to pay.

(6) Applicants for funding as participating agency or food distribution center must have had a food bank program or food distribution center in operation for one year prior to the beginning date of the contract year, except in areas with unmet need.

(7) The applicant for lead agency contractor may or may not actually provide emergency food program services.

[Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-050, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-050, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-050, filed 3/27/86.]

WAC 365-140-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The total amount of funds provided to a contractor under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year.

(5) Administrative costs under this program are limited to ten percent of the total award for providing direct emergency food assistance services. The administrative costs of a lead agency contractor are limited to ten percent of the contractor's award for providing direct services plus ten percent of the multi-agency service provider contract total. Total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with

authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

(7) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

(8) Department funds may not be used to defray costs of meal programs.

[Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-060, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-060, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-060, filed 3/27/86.]

Chapter 365-150 WAC

WASHINGTON STATE DEVELOPMENT LOAN FUND

WAC

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WAC 365-150-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 43.63A.060 and 43.168.060.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-010, filed 7/22/86.]

WAC 365-150-020 Purpose. The purpose of this chapter is to establish the department of community development rules for the Washington state development loan fund, hereinafter referred to as the "fund," and the Washington state development loan fund committee, hereinafter referred to as the "committee."

The purpose of the program is:

(a) To encourage investment by businesses and financial institutions in economically distressed areas, and

(b) To make revolving loan funds available through local governments for private sector enterprises which will create or retain jobs and promote economic development in areas of economic stagnation, unemployment and poverty.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-020, filed 7/22/86.]

WAC 365-150-030 Definitions. Whenever used in this chapter, unless the context clearly indicates otherwise, the definitions of terms in RCW 43.168.020 shall be considered the definition of terms used in this chapter.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-030, filed 7/22/86.]

WAC 365-150-040 Committee meetings. (1) Notice of the time and location of regular committee meetings

will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the committee at the address set out in WAC 365-150-090 herein.

(2) Special meetings of the committee may be called at any time by the chairperson of the committee or by a majority of the committee members. Notice of such special meetings will be as provided by law.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-040, filed 7/22/86.]

WAC 365-150-050 Financing conditioned upon completed application. An application shall be deemed ready for a final decision by the committee only when the manager of the fund certifies that the following events have occurred:

(a) A loan fund application has been submitted by an eligible local government sponsor, signed by all parties, and all required supporting documentation has been provided.

(b) A memorandum has been prepared by department staff which specifies how the application meets criteria set out in the fund enabling legislation and the loan fund guidelines. Such memorandum must be prepared by department staff within a reasonable time from receipt of the completed application.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-050, filed 7/22/86.]

WAC 365-150-060 Criteria by which the committee will evaluate loan fund applications. Applications shall be evaluated pursuant to the conditions and limitations established in RCW 43.168.050, and in guidelines for project funding promulgated by and available from the committee.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-060, filed 7/22/86.]

WAC 365-150-070 Public records. After an application for financial assistance has been received, certain information in the department's possession may be required to be made available for public inspection by applicable law. Certain other information shall be designated by the committee as confidential for protection of privacy interests and shall not be available to the public for inspection.

Criteria for determining what information shall be designated confidential as well as illustrative examples, are set out in the loan fund guidelines which are available upon request.

An applicant may request that specific information be kept confidential for protection of privacy interests. An applicant making such a request must provide the department with sufficient information to enable the department to independently determine the likelihood of invasion of privacy interests of a business or competitive detriment sufficient to justify confidentiality.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-070, filed 7/22/86.]

WAC 365-150-080 Requests for reconsideration of committee decisions. Any applicant whose completed proposal is denied financing by the committee shall have the opportunity to submit additional written materials to the committee for their reconsideration, upon terms and conditions established by the committee.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-080, filed 7/22/86.]

WAC 365-150-090 Address for communication and application package requests. All communications with the committee and its staff, including but not limited to, acquisition of program guidelines and application materials, submission of materials regarding participation in the development loan fund program, or inquiries regarding the operation and/or administration of the committee, including the inspection of public records, or other matters, should be addressed as follows: Development Loan Fund, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, 1-800-562-5677 or (206) 753-4900.

[Statutory Authority: RCW 43.63A.060. 86-15-067 (Order 86-05), § 365-150-090, filed 7/22/86.]

Chapter 365-170 WAC

STATE FUNDING FOR LOCAL EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAMS

WAC

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| 365-170-070 | Use of funds. |
| 365-170-080 | Eligibility criteria for clients. |
| 365-170-090 | Program design. |
| 365-170-100 | Administrative component. |

WAC 365-170-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. These rules are also adopted under the specific authority delegated to the department under RCW 28A.34A.060 to adopt rules for the administration of the program. The program which these rules are designed to implement is found in chapter 28A.34A RCW.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-010, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-010, filed 1/23/87.]

WAC 365-170-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local early childhood education and assistance programs.

[Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-020, filed 1/23/87.]

WAC 365-170-030 Definitions. (1) "Applicant" means a public or private nonsectarian organization which applies for state early childhood education and assistance program assistance.

(2) "At risk" means children residing in low income families who are by virtue of their socio-economic status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community development.

(5) "Direct service" means any educational, health, or social service for children which is designed to meet the program standards.

(6) "Director" means the director of the department of community development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local early childhood education and assistance programs.

(8) "Family" means all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.

(9) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(10) "Like educational services" means comprehensive programs providing educational, social, parent involvement, and health services funded by other sources.

(11) "Low-income family" means a family whose total income before taxes for the twelve months or full calendar year, whichever period better reflects the current income of the family, prior to the enrollment of their child in the early childhood education and assistance program is equal to, or less than, federally established poverty guidelines as defined by the Department of Health and Human Services. The term also includes a family receiving aid to families with dependent children or participating in the family independence program under chapter 74.21 RCW.

(12) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-030, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-030, filed 1/23/87.]

WAC 365-170-040 Determination of funding. Funds shall be allocated or awarded by the department consistent with the legislature's determination of the amount of funding available to award state-wide to early childhood education and assistance programs and any conditions imposed by the legislature on the use of such funds. Funds received from other sources will be administered according to the terms of the grant or award, if not inconsistent with the terms of this chapter, chapter 28A.34A RCW, and other applicable laws or rules.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-040, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-040, filed 1/23/87.]

WAC 365-170-050 Eligibility criteria for applicants. (1) Public or private nonsectarian organizations are eligible to apply for funding as early childhood education and assistance programs.

(2) A consortium of public or private nonsectarian organizations, or both, are eligible to apply.

(3) Organizations must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

(4) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.

(5) Programs shall neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of race, color, religion, sex, age, national origin, citizenship, ancestry, physical or mental handicap or because such person is a recipient of federal, state, or local public assistance.

(6) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and Native American families living on or off reservation.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-050, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-050, filed 1/23/87.]

WAC 365-170-060 Process for allocating or awarding funds. (1) Funds shall be awarded on a competitive basis or allocated by the department.

(2) An applicant shall use forms issued and procedures established by the department.

(3) The department shall notify all applicants of funding decisions. All recipients of funds shall be provided with a contract for signature. This contract must be signed by an official with authority to bind the recipient and must be returned to the department prior to the award or allocation of any funds under this program.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-060, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-060, filed 1/23/87.]

WAC 365-170-070 Use of funds. (1) Department funds shall not be used to supplant other existing funding sources.

(2) Administrative costs under this program are limited to fifteen percent of the total award.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-070, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-070, filed 1/23/87.]

WAC 365-170-080 Eligibility criteria for clients.

(1) A child is eligible if:

(a) The child is not eligible for kindergarten as of August 31 of the contract year; and

(b) The child would benefit from a preschool program designed to help prepare children to enter the school system.

Consistent with the intent to prepare children for the common school system, priority shall be given on a state-wide basis to serving eligible four year old children.

(2) A child must be a member of a low-income family as defined under WAC 365-170-030(11).

(3) A child may not otherwise be a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10).

(4) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet the eligibility requirements under subsection (2) or (3) of this section but due to circumstances in their environment or in their performance need the program and would benefit from the program.

(5) Participants in the early childhood education and assistance program will not be charged fees for any services provided.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-080, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-080, filed 1/23/87.]

WAC 365-170-090 Program design. Standards for program design are based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program standards publication available from the department.

(1) Education component:

(a) Activities in the classroom, home visits, and group experiences will be planned and implemented to ensure that a supportive social and emotional climate exists, intellectual skills are developed, and physical growth is promoted.

(b) Activities in the classroom, home visits, or group experience will be individualized through the development of a curriculum which is developmentally appropriate and is relevant to and reflective of the needs of the population served.

(c) At a minimum, when the majority of the children speak a common language other than English, at least

one teacher or aide who speaks their language must be available when children participate in classroom or group experiences.

(d) There will be a mental health professional to advise and assist in developmental screenings and assessments and observe children in the classroom setting and consult with teachers and other appropriate staff at least twice a year.

(e) The program will provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program.

(f) Staff and parents participating in the program shall be trained for and will use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(g) Corporal punishment or other humiliating or frightening discipline techniques shall not be used during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(2) Health component:

(a) There will be a health advisory committee composed of local medical, dental, and nutrition providers, program parents and staff to advise in program planning, implementing, and evaluating program procedures and operations for medical, dental, mental health, and nutrition services. Existing committees may be modified or combined to carry out these activities.

(b) There will be informed prior written parent consent prior to the provision of any health (medical, dental, nutrition, or mental health) services.

(c) The program will provide for an organized health education program for staff, parents, and children which will be integrated into instructional activities in home based and center based programs.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, shall be approved by a certified dietician or nutritionist as defined in chapter 18.138 RCW. The certified dietician or nutritionist shall be available to provide consultation and education on the nutritional needs of enrolled children.

Programs will participate in the United States Department of Agriculture Child Food and Nutrition Program and shall comply with applicable local, state, and federal sanitation laws and regulations for storage, preparation, and service of food and health of food handlers.

(3) Social services component:

(a) Age and income-eligible children will be recruited for enrollment taking into account the demographic make-up of the community and the needs of the children and families according to approved written recruitment procedures that address both the identification of age and income-eligible children and local priorities within that same population.

(b) Needs will be assessed to assist families in identifying and using appropriate and available community resources.

(c) Programs will coordinate with existing community resources, including existing head start and other preschool programs.

(4) Parent involvement component:

(a) The program will provide for parental involvement at a level not less than that provided under the federal head start program criteria which includes, but is not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.

(b) The program will install a policy council composed of parents of children who are enrolled in the program, at a level not less than fifty percent and community representatives.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-090, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-090, filed 1/23/87.]

WAC 365-170-100 Administrative component. (1) Services to children and their families will be delivered through one or more of the following options:

(a) Center base option: Children will participate in center activities ten or more hours per week distributed over three or more days. One and one-half hours of contact between parents and staff will be completed each month. At least two education-related home visits to families will be completed during the year. Class unit size will not exceed eighteen children with an adult:child ratio of 1:6. There shall be a lead teacher for every class unit.

(b) Home base option: Children will participate in weekly group experiences not to exceed four hours per session. Families will receive weekly one and one-half hour home visits by a home base educator. The case load for home base educators will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.

(c) Locally designed option: Local programs may elect to design and propose other program options which would better meet the needs of individual children and families in their communities. A locally designed option must: Contain rationale as to why the center based and home based options in (a) and (b) of this subsection would not be practicable; must represent a more effective approach to meeting the needs of children in the specific community; be consistent with sound child development practices; and be consistent with described standards to ensure that all components of the early childhood education and assistance program are delivered. The department will determine whether the locally designed option is acceptable on a case-by-case basis.

(2) The following staff qualifications are required for lead teachers in a center based program:

(a) For lead teachers, experience with low-income families is desirable. Lead teachers shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education and a minimum of one year of successful experience working in a preschool or kindergarten; or

(ii) A two-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education with a minimum of two years of successful experience working in a preschool or kindergarten; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a lead teacher with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a lead teacher with the following qualifications:

(i) A teaching certificate and a minimum of one year of successful experience working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years successful experience working with preschool age children; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each lead teacher who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such lead teacher by a person meeting the qualifications of (a) of this subsection for a minimum of one class period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the organization.

(3) The following staff qualifications are required for home base educators in a home base program:

(a) For home base educators, successful experience pertinent to direct involvement with low-income families is desirable. Home base educators shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and a minimum of one year of successful relevant experience; or

(ii) A two-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and demonstrated ability to work with groups of preschool age children and a minimum of two years of successful relevant experience; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a home base educator with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a home base educator with the following qualifications:

(i) A teaching certificate and demonstrated experience in working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years of successful relevant experience; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each home base educator who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such home base educator by a person meeting the qualifications of (a) of this subsection for a minimum of one home visit or peer group experience period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the local organization.

(4) Criminal history checks including fingerprinting will be performed for all staff hired after January 1, 1988, and having unsupervised contact with children.

(5) Facility:

(a) Facilities will provide for a physical environment conducive to learning and reflective of the needs of children.

(b) Facilities will comply with an annual fire, health, and safety inspection by local officials.

(c) The outdoor play area of the facility will be fenced to prevent children from leaving the premises unless the organization can demonstrate that the outdoor play area does not present a hazard to children's welfare and that adequate supervision will be provided when children are in the outdoor play area.

(d) The facility will contain a minimum of thirty-five square feet of indoor space per child available for the care of children (exclusive of bathroom, hall, kitchen, and storage). There will be a minimum of seventy-five square feet per child outdoors.

(e) Adequate provision will be made to ensure the facility provides for accessibility, safety, and comfort of handicapped children.

(6) Transportation: Vehicles owned and/or operated by the program for the purposes of transporting children to and from program activities will meet all applicable local ordinances and state and federal laws, rules, and regulations.

(7) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

(8) The department may grant waivers for any of the provisions under subsections (1) through (3) and (5) of this section if a contractor can demonstrate that the intent of subsections (1) through (3) and (5) of this section will be met and can demonstrate that the requested waiver is consistent with the purposes of this chapter and chapter 28A.34A RCW. All requests for waivers shall be in writing and be granted on a case-by-case basis.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-100, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-100, filed 1/23/87.]

Chapter 365-180 WAC ENERGY MATCHMAKERS

WAC

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| 365-180-070 | Local coordinated plan—Funding proposal process— Award of contracts. |
| 365-180-080 | Eligibility criteria for clients. |
| 365-180-090 | Program services. |

WAC 365-180-010 Authority. These rules are adopted under the authority of chapter 70.164 RCW.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-010, filed 1/4/88.]

WAC 365-180-020 Purpose. To set forth the conditions and procedures under which funding will be made available to be used in combination with contributions to support local low-income weatherization programs.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-020, filed 1/4/88.]

WAC 365-180-030 Definitions. (1) "Department" means the department of community development.

(2) "Energy matchmakers local coordinated plan" means a proposal(s) for use of funding for local low-income weatherization programs in a specific geographical area.

(3) "Low-income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(4) "Nonutility sponsor" means an organization that is not an energy supplier and that submits a local coordinated plan.

(5) "Residence" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters; but excluding institutional buildings such as: A university,

group care facility, nursing home, half-way residence, hospital, hotel, motel, etc.

(6) "Sponsor" means an organization that submits a match proposal as part of the energy matchmakers local coordinated plan.

(7) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(8) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence.

(9) "Weatherizing agency" means a public or non-profit private organization, approved by the department, responsible for doing all aspects of the weatherization work.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-030, filed 1/4/88.]

WAC 365-180-040 Program funding. The legislature determines the amount of funding available during a specific biennium for low-income weatherization. Each county receives a "planning estimate" based on the number of low-income households and the climatic conditions of the county. This "planning estimate" is available for low-income weatherization in each county if matching requirements are met. Contingent on the availability of funds, the department may award funds in an amount that exceeds the county's "planning estimate."

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-040, filed 1/4/88.]

WAC 365-180-050 Proposal for use of funding. (1) Any public or private organization in Washington, Idaho, or Oregon that conducts business in Washington state may propose funding for a geographical area(s) by submitting an energy matchmakers local coordinated plan.

(2) Plans submitted to the department shall be the result of local coordination and cooperation.

(3) Plans shall identify weatherizing agencies.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-050, filed 1/4/88.]

WAC 365-180-060 Sponsor match. (1) Plans submitted by energy suppliers shall include a commitment of a matching contribution. Matching contributions can be either cash, in-kind contributions, or both. The match must cover half of the total cost of the low-income weatherization being proposed in the local area.

(2) Only resources that would not otherwise have been used for low-income weatherization will be considered as match.

(3) A sponsor may pay the sponsor match as lump sum at the time of weatherization, or make yearly payments over a period not to exceed ten years. When the sponsor elects to make yearly payments, the value of the payments shall be determined by the department, but shall not be less than the value of the lump sum that would have been made.

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(4) All match committed shall result in increasing the number of residences weatherized or increasing weatherization measures installed on or in the residence.

(5) Match waivers may be granted by the department for plans submitted by nonutility sponsors.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-060, filed 1/4/88.]

WAC 365-180-070 Local coordinated plan—Funding proposal process—Award of contracts. (1) A sponsor shall make a formal proposal using forms issued by the department.

(2) A review team will evaluate the energy matchmakers local coordinated plans, and will be composed of persons with knowledge of energy conservation and of community-based public and private service organizations.

(3) Plans which include a commitment of matching resources will be given priority for funding.

(4) The department shall have the final discretion to award funds.

(5) The department will enter into a contract with weatherizing agencies identified in successful local coordinated plans. This contract shall be signed by an official with authority to bind the weatherizing agency and returned to the department prior to the release of any funds under this program.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-070, filed 1/4/88.]

WAC 365-180-080 Eligibility criteria for clients.

(1) Total income of all household members shall be at or below one hundred twenty-five percent of the federally established poverty level; or households shall meet other qualifications established by the department for its low-income weatherization program.

(2) Residences shall meet the qualifications established by the department for its low-income weatherization programs.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-080, filed 1/4/88.]

WAC 365-180-090 Program services. (1) Weatherizing agencies shall provide weatherization services to eligible low-income households in accordance with the "Washington state low-income weatherization assistance program procedures and guidelines" established by the department.

(2) No contribution may be required from the eligible household.

(3) Full levels of all cost-effective structurally feasible measures, as determined by the department, shall be installed when a residence is weatherized.

(4) No undue or excessive enhancement to a residence shall occur as a result of weatherization provided under this chapter.

(5) Before a leased or rented residence is weatherized, the department's "weatherization program owner/authorized agent approval form" must be signed by the owner of the building or the owner's authorized agent. Through this form the landlord ensures that, for twelve

months from the date the form is signed, rent will not be increased, nor the tenant evicted, as a result of the weatherization provided.

(6) Benefits of weatherization work performed on behalf of a low-income tenant shall accrue primarily to the low-income tenant.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-090, filed 1/4/88.]