



DATE: March 27, 2023

TO: Mayor Robinson and City Councilmembers

FROM: Genesee Adkins, Chief of External Affairs
Briahna Murray, Gordon Thomas Honeywell Government Relations

SUBJECT: State Legislative Update

February State Legislative Summary

Overview

The Washington State Legislature introduced a total of 2,144 pieces of legislation for the 2023 legislative session, and the March 8 house-of-origin deadline winnowed the number of bills under consideration down to 611. A total of 331 House bills and 280 Senate bills remain under consideration. Historically, the Legislature passes approximately 350 bills during a long session. Bills still under consideration have now transferred over to the legislative committee process in the opposite chamber, where they are being heard, amended, and voted upon as they were in their chamber of origin. The next cutoff deadline is March 29 for bills to advance out of the policy committee in the opposite chamber.

During the next few weeks, the Legislature will continue to advance priority bills, and release and refine proposed Capital, Operating, and Transportation budgets. The Washington State Economic and Revenue Forecast Council released the March revenue forecast on March 20 helping inform the Legislature's deliberations on appropriations. A preliminary briefing earlier this month indicated a one percent positive variance in operating revenues, but it is likely that revenue growth will slow due to a variety of economic factors. Budget writers have indicated that there is constrained funding in all three budgets, with the transportation budget being the most constrained. While it's not likely the budgets will include significant cuts, they also may not include significant new investments.

Highest Priority Issues

Affordable Housing and Land Use:

As anticipated, the Legislature is having a robust discussion on affordable housing and land use policy. While several proposals related to permitting and housing incentives failed to meet critical deadlines to remain under consideration, many prominent proposals are still viable.

Funding/Resources for Affordable Housing:

Land Acquisition for Affordable Housing Funding Request: The City is requesting funding in the 2023-2025 Capital budget to acquire land near bus or transit services to house individuals earning 0-50% of the area median income. Capital budget writers have pushed back on this



request, encouraging the City to instead take advantage of a low-interest loan program offered through the Housing Finance Commission. The City's legislative delegation has continued to push for funding and remains hopeful funding may still be allocated.

Governor's Proposal to Authorize \$4 Billion in Bonds for Affordable Housing: [House Bill 1149](#) sponsored by Representative Steve Tharinger (D- 24th LD) and its companion legislation [Senate Bill 5202](#) sponsored by Senator Yasmin Trudeau (D- 27th LD) is Governor Inslee's proposal to address housing through a \$4 billion bond measure. If passed by the Legislature, the proposal will be submitted to Washington voters for ratification at the next General Election. It's unclear whether this proposal will be considered as part of budget proposals that will soon be released. The House seems more amenable to advancing a proposal to significantly increase funding for affordable housing than the Senate.

Real estate excise tax for affordable housing: [House Bill 1628](#) sponsored by Representative Frank Chopp (D- 43rd LD) increases the state real estate excise tax (REET) on properties over \$5 million to 4% and dedicates the new revenue to the Housing Trust Fund and related accounts. The bill also authorizes cities to impose a 0.25 percent REET to fund affordable housing, with councilmanic approval. This bill is serving as an alternative or competing proposal to the Governor's proposed bond measure. Unlike the Governor's bond proposal, this proposal would not need to be approved by voters, and provides ongoing funding. However, large multifamily projects selling for over \$5 million would be subject to the increase tax. Lawmakers are currently weighing these pros and cons as they decide whether and how to increase funding for housing.

Creating the covenant homeownership account: [Second Substitute House Bill 1474](#) sponsored by Representative Jamila Taylor (D- 30th LD) establishes a \$100 document recording fee to fund the Covenant Homeownership Program, which will provide down payment and closing cost assistance to economically disadvantaged households. The bill was amended to align the definition of "first-time homebuyer" with the definition in the Housing Trust Fund Program and includes provisions related to the oversight committee. On March 2, the House of Representatives passed the bill 53-43 on a mostly party-line vote. The bill was referred to the Senate Housing Committee and was heard on March 17. All testimony was supportive and included perspectives from the Association of Washington Cities, real estate and mortgage financing industries, and organizations serving communities of color. The City of Bellevue offered supportive testimony. Stakeholders noted that systemic change is needed to address the legacy of racially restrictive covenants and that homeownership provides a pathway toward financial security and generational wealth that should be available to all. The Committee is scheduled to vote on the bill on March 22.

Incentives for Affordable Housing: [Engrossed Second Substitute Senate Bill 5045](#), sponsored by Senator Patty Kuderer (D -48th LD), authorizes cities within King County to offer a property tax exemption for accessory dwelling units that are rented to households whose



adjusted income is at or below 60 percent of the median household income for the county. Rent charged to the tenant must not exceed 30 percent of the tenant's monthly income. The bill passed in the Senate 43-5 and was referred to the House Housing Committee. The Committee held a hearing on March 14. The City of Kirkland testified in support and the Cities of Kenmore, Redmond, Bellevue, and Kent signed in to support the bill.

Flexibility on affordable housing and mental health funding: [Substitute Senate Bill 5604](#) sponsored by Senator June Robinson (D- 38th LD) allows all jurisdictions to use revenue from the affordable and supportive housing sales tax for rental assistance, and also allows counties to use chemical dependency and mental health services tax revenue for modifications to existing facilities to address health and safety needs. The Senate passed the bill unanimously, and it was referred to the House Local Government Committee. The Committee held a hearing on March 15. Supportive testimony was shared by the Washington State Association of Counties, and Snohomish and Yakima Counties, who expressed a desire for jurisdictions to be able to use "1406 funds" for rental assistance and to allow for a portion to be retained to cover administrative costs. The Committee is scheduled to vote on the bill on March 22.

Landlord/Tenant Policies:

Since the last report, the three proposals concerning landlord/tenant policies have fallen out of consideration. These included [House Bill 1124](#) sponsored by Rep. Strom Peterson (D- 21st LD), which would have required landlords to provide at least 180 days' and no more than 220 days' notice for rent increases over 5%. The bill advanced through the policy committee process but was not voted upon by the House. [House Bill 1389](#) sponsored by Representative Alex Ramel (D- 40th LD) prohibited rent increases during the first 12 months of a lease. The bill advanced through its assigned policy and fiscal committees but did not receive a vote in the House. [House Bill 1388](#) sponsored by Representative Nicole Macri (D- 43rd LD) prohibited landlords from engaging in practices related to excessive rent increases, differential treatment based on whether the tenancy is month-to-month or longer term, and charging move-in fees and deposits that exceed one month's rent. The bill advanced out of its assigned policy committee but stalled in the fiscal committee.

Land Use Policy:

Middle housing types: [Engrossed Second Substitute House Bill 1110](#) sponsored by Representative Jessica Bateman (D- 22nd LD) requires cities to authorize minimum housing development densities in residential zones depending on their population size. On March 6, the House of Representatives approved an amended version of the bill. As amended, Bellevue would be required to authorize four units per lot on all lots, and six units on all lots within one-half mile of major transit stops. The bill allows cities to adopt an alternative approach to the density requirements by allowing cities to implement the requirements in at least 75 percent of lots zoned single-family if the remaining portion of lots meet certain criteria. While conceptually



the bill is aligned with the city's position, there are several technical and implementation amendments still needed. The vote was 75-21, with three Democrats joining Republicans in casting votes in opposition.

The bill was referred to the Senate Housing Committee, which held a hearing on March 17. Numerous stakeholders testified at the hearing. Broadly, the construction industry, business community, housing advocacy groups, and some cities testified in support of the bill, citing the housing shortage's impact on rising housing costs and the challenge for employers to be able to hire workers when there is a lack of housing. The Association of Washington Cities and several individual cities testified "other," noting the need for infrastructure support and harmonizing this policy with other land use bills under consideration, including the lot splitting and accessory dwelling unit bills. Individual cities also shared concerns unique to their communities. The Committee is scheduled to vote on the bill on March 22.

Transit-oriented development: [Engrossed Substitute Senate Bill 5466](#) sponsored by Senator Marko Liias (D- 21st LD) upon the request of the Governor's Office, requires cities to allow a floor-area-ratio of at least 4 within ¾ mile of light rail and bus rapid transit stops, and one-half mile of frequent transit stops. Additionally, cities must allow a floor-area-ratio of at least feet within one-half mile of light rail and bus rapid transit stops. The Senate approved the bill 40-8. It was then referred to the House Housing Committee, which held a hearing on March 16. Numerous stakeholders testified at the hearing. Supportive testifiers included the Governor's Office and Department of Commerce, representatives of the business community, construction industry, and environmental groups who cited the housing shortage and opportunity to add density in transit corridors as reasons to advance the proposal. The Association of Washington Cities testified "other," stating support for the policy goals but referred to a map prepared by the Puget Sound Regional Council indicating the areas that would be impacted by the bill, which illustrated the broad swaths of land where there would be no parking requirements and that the floor area ratios in the bill are too high. Several individual cities also testified "other," generally expressing support for transit-oriented development in concept but expressing concern unique to their own communities. The City of Bellevue has provided constructive feedback on the proposal, asking that the distances around stops be reduced and that the floor-area-ratio amounts be reduced. The bill is likely to be significantly amended in the House of Representatives.

Use of existing buildings for residential purposes: [House Bill 1042](#) sponsored by Representative Amy Walen (D- 48th LD) requires code cities to allow the addition of housing units within existing buildings in zones where multi-family housing is permitted. Cities would not be allowed to impose additional parking, design standard, or architectural requirements beyond those requirements applicable to all residential development within the building's zone. The bill provides an exception for buildings listed on a local, state, or national historic register. It was amended on the House floor by the prime sponsor to require the State Building Code Council to amend the State Energy Code to waive the requirement for an existing building to meet current



energy code requirements solely due to the addition of new dwelling units. The House of Representatives passed the bill unanimously on February 8. The bill was heard in the Senate Housing Committee in mid-February. It is scheduled to be advanced out of committee on March 22, likely with several amendments addressing concerns raised by cities.

Accessory Dwelling Units: There are two bills under consideration regarding accessory dwelling units. [Substitute Senate Bill 5235](#) sponsored by Senator Sharon Shewmake (D- 42nd LD) requires cities and counties to allow multiple accessory dwelling units per lot, depending on the size of the lot and the number of units otherwise allowed on the lot within urban growth areas. The Senate passed the bill by a vote of 42-6. The bill was referred to the House Housing Committee, which held a hearing this week. Building industry associations testified in support. Several stakeholders testified "other" on the bill, including the Association of Washington Cities and individual cities, who noted that this bill is preferable to the other ADU proposal, House Bill 1337, but that this policy needs to be aligned with the middle housing legislation under consideration. The Washington State Association of Counties testified opposed, citing concerns about the prescriptive nature of the bill and lack of opportunity for local public engagement on the regulations. Specific examples were shared of counties for which some of the bill's provisions would not work. The Committee was scheduled to vote on the bill on March 16, but no action was taken.

[Engrossed House Bill 1337](#) sponsored by Representative Mia Gregerson (D- 33rd LD) requires cities and counties to comply with at least three of the policies in the bill pertaining to accessory dwelling units. These include restrictions on requiring off-street parking for ADUs, assessing impact fees on ADU construction that are greater than 50 percent of the impact fees that would be imposed on the principal unit, requiring owner-occupancy on the lot, and only allowing a single ADU on lots within the urban growth area. Additionally, cities must allow at least two ADUs on lots in all single-family zones. Cities and counties must adopt regulations allowing for ADUs within six months after their next comprehensive plan update. The bill passed in the House by a vote of 81-15, with a bipartisan mix of votes on both sides of the tally. It was then referred to the Senate Local Government, Land Use, and Tribal Affairs Committee, which held a hearing on March 16. Supportive testimony was shared by real estate and construction groups, who prefer this bill over Senate Bill 5235, and noted that builders are meeting the demand for ADU construction and that the policy should also include detached ADUs in rural communities. The Association of Washington Cities testified opposed, stating that the proposal contains very detailed provisions that micro-manage matters at the local government level and that there needs to be consideration as to how this bill would integrate with the other housing legislation under consideration. The bill is scheduled to be advanced out of committee on March 23.

Increasing housing options through lot splitting: [Engrossed Substitute House Bill 1245](#) sponsored by Representative Andrew Barkis (R- 2nd LD) requires cities planning under the Growth Management Act to allow the splitting of a single residential lot into two residential lots. Lots resulting from a split must be at least 2,000 square feet, and cities are prohibited from



imposing certain regulations pertaining to parking, frontage, and permitting. The bill was passed in the House by a vote of 94-2. It was referred to the Senate Local Government, Land Use, and Tribal Affairs Committee, which held a hearing on the bill on March 14. Real estate and building industry associations testified in support, stating that the ability to create smaller lots will provide more opportunity to build small and mid-sized homes and reduce costs associated with land acquisition. The Association of Washington Cities and individual cities testified opposed, citing concerns about the potential unintended consequences and multiplier effect if the bill goes into effect along with other land use mandate bills under consideration this session. For example, if four units are allowed on all lots, and all lots must be allowed to be split, then the impact on density is doubled. The Committee is scheduled to vote on the bill on March 23.

Streamlining development regulations: [Engrossed Substitute House Bill 1293](#) sponsored by Representative Mark Klicker (R- 16th LD) requires cities and counties to apply only clear and objective design review standards to the exterior of new development. It establishes a categorical exemption from the State Environmental Policy Act (SEPA) for residential housing units within an urban growth area if proposed projects do not have an existing or anticipated transportation system safety or operational deficiency. It limits the ability of a city to require a preapplication conference or public meeting. The House of Representatives amended the bill on the floor to state that the SEPA exemption and design review provisions apply beginning six months after the jurisdiction's next required update of its comprehensive plan and also limits the applicability of the clear and objective design review requirements to projects that do not contain residential units. The House passed the bill 94-3, with the three "nay" votes coming from Democrats.

SEPA exemption for housing: [Second Substitute Senate Bill 5412](#) sponsored by Senator Jesse Salomon (D- 32nd LD) provides a State Environmental Policy Act (SEPA) exemption for projects that propose to develop residential housing units in an urban growth area or middle housing types within an unincorporated urban growth area that meet specific criteria. Counties and cities planning under the Growth Management Act may only apply objective development regulations governing the exterior design of new development, and they must consult with the Department of Transportation to determine if there are any operational deficiencies in the transportation system in connection with the proposed project. The Senate passed the bill unanimously on March 6. It is now in the House Local Government Committee where it will be heard on March 21. The Committee is scheduled to advance the bill on March 24.

Residential multi-plex housing regulations: [Engrossed Second Substitute House Bill 1167](#) sponsored by Representative Davina Duerr (D- 1st LD) prohibits local governments from imposing any development, siting, parking, design review, or other standards for middle housing that are more restrictive than those required for detached single-family residences. Beginning six months after its next comprehensive plan update, fully planning local governments may only require administrative design review to determine whether a housing permit application is compliant with applicable design standards. The House of Representatives passed the bill



unanimously. The bill was referred to the Senate Local Government, Land Use, and Tribal Affairs Committee, which held a hearing on the bill on March 14. The bill received supportive testimony from Habitat for Humanity Seattle-King County, the City of Bellevue, and a representative of the timber industry. On March 16, the Committee voted to advance the bill with an amendment containing provisions on convening a technical advisory group and other steps to facilitate multi-family buildings being served by a single exit stairway.

Increasing supply and affordability of condominiums: [Substitute Senate Bill 5258](#) sponsored by Senator Sharon Shewmake (D- 42nd LD) addresses condominium builder liability to boost construction of condominiums and townhomes. The proposal requires that construction defect lawsuits brought by condo owners against builders include a report by a construct defect professional describing the nature and extent of the defect and recommendations for repair. The Senate Ways and Means Committee held a hearing on March 9. On March 16, the Committee voted to advance the bill with several amendments, including a provision exempting condominium sales to homebuyers using down payment assistance from the Washington State Housing Finance Commission from real estate excise tax, and instead requires that the REET be paid by the seller and remitted to the Commission as payment against the buyer's down payment assistance amount. It also creates a down payment assistance account consisting of deposits from revenue collected on condominium sales to individuals using down payment assistance.

Housing and land use-related bills that did not meet the key cutoff deadlines include:

- **Housing approval requirements:** [Senate Bill 5609](#) sponsored by Senator John Braun (R- 20th LD) required local governments to approve the construction of enough new homes to eliminate their respective shares of the state's total housing shortage through 2033. The bill was advanced by the policy committee but stalled in the fiscal committee.
- **Eliminating minimum parking requirements:** [House Bill 1351](#) sponsored by Representative Julia Reed (D- 36th LD) prohibited counties and cities from imposing minimum parking requirements for new residential or commercial developments within proximity to a transit stop. The bill did not advance out of the House Rules Committee for a vote by the chamber.
- **Local government design review:** [House Bill 1026](#) sponsored by Representative Amy Walen (D- 48th LD) aimed to reduce the amount of time it takes to approve building permits by eliminating the ability for design review boards to approve projects, and instead requiring administrative design review conducted solely by local government employees without either a public meeting or external review. The bill made it onto the House floor calendar but did not receive a vote in the chamber.

Permitting: Several proposals concerning permitting by local governments have now fallen out of consideration. These include:



- [House Bill 1401](#) sponsored by Representative Cyndy Jacobsen (R- 25th LD) provided that all local governments may adopt development regulations that create a low-cost, expedited permit process for development of single-family, duplex, triplex, or accessory dwelling units.
- [House Bill 1611](#) sponsored by Representative Julia Reed (D- 36th LD) required cities and counties to provide notice of whether a permit application is complete within 14 days for residential or mixed-use residential applications. Permits for projects that meet affordable housing requirements in the bill are deemed to be approved if the permit review is not completed within the required timeframe. It also prohibited a local government from imposing real estate excise tax on the first sale of a residential or mixed-use residential property unless the permit was issued within the required timeframe.
- [House Bill 1519](#) sponsored by Representative Andrew Barkis (R- 2nd LD) stated that a project permit application is complete if it meets that procedural submission requirements of the local government and provides default permit processing deadlines for local governments that do not adopt different deadlines. It required local governments to refund a portion of permitting fees if deadlines are missed.

However, [Second Substitute Senate Bill 5290](#) sponsored by Senator Mark Mullet (D- 5th LD), remains under consideration. The bill was introduced at the request of the Governor's Office and requires a local government to exempt project permits for interior alterations from site plan review under certain conditions. It establishes a consolidated permit review grant program for local governments to issue final decisions for residential permit applications within specified time frames. It establishes project permit review time periods for certain permit applications by which local governments must comply beginning in 2025. The Senate passed the bill unanimously on March 6. It has now been referred to the House Local Government Committee, which will hear the bill on March 21 and is scheduled to advance it out of committee on March 24.

Transportation

Budget writers have indicated that there is significantly constrained funding within the 2023-2025 Transportation Budget. Additionally, the Governor's proposed transportation budget recommended delaying several transportation projects due to a limited workforce in the Washington State Department of Transportation and cashflow challenges within the budget. Budget writers have indicated that they plan to review the Governor's proposed delays closely, and that they will be looking and how to appropriate funds to projects that were allocated funding in the Move Ahead Washington transportation package.

The Governor's transportation budget proposal proposes to delay funding to the SR 520/124th project. The Connecting Washington Transportation package allocated \$40.9 million to the planning and right-of-way acquisition for the project, with that work scheduled to be completed



in 2023-2025, with much of the right-of-way acquisition occurring during that time. The Governor's proposed budget delays \$30 million of the project to 2033-2037, effectively delaying the land acquisition for the project. Sen. Patty Kuderer and Rep. Vandana Slatter have submitted requests to transportation budget writers requesting that the funding not be delayed since land costs will only increase with time.

Additionally, the city has coordinated with Sen. Lisa Wellman and Rep. Tana Senn to submit a request that the Mountains to Sound Greenway Trail (142nd Place SE to 150th Avenue SE) funding that was allocated in the Move Ahead Washington transportation package be phased as follows: \$300,000 in the 2023-2025 biennium and \$6.6 million in the 2025-2027 biennium. The Governor's proposed budget reflects this phasing.

Similarly, the City of Bellevue has joined King County in requesting that Move Ahead Washington funds allocated to the Eastrail Wilburton Trestle and I-90 Steel Bridge be appropriated in the 2023-2025 biennium.

Reducing Traffic Injuries and Fatalities: The Legislature considered several proposals designed to improve traffic safety due to the historic high rate of traffic fatalities in the state in the past year. However, only one of those proposals remains in play. [Senate Bill 5272](#), sponsored by Sen. Marko Liias (D -21st LD), authorizes the use of speed cameras on state highways when a work zone is present. The bill was heard and approved by the Senate Transportation Committee with an amendment limiting the use of speed cameras to when workers are present in a state highway work zone. The Senate passed the bill 47-2 on February 22 and it was referred to the House Transportation Committee. The bill was heard on March 15 and is scheduled to be advanced out of committee on March 20.

Bills no longer under consideration include:

- **Right-Turn on Red:** [House Bill 1582](#), sponsored by Rep. Cindy Ryu (D- 32nd LD) and [Senate Bill 5514](#), sponsored by Sen. John Lovick (D- 44th LD), eliminates the ability for driver's to make a right-turn-on-red within 1,000 feet of schools, child care facilities, public parks, libraries, public transit center, hospitals, senior centers, and other like facilities. Both bills were heard in the House and Senate Transportation Committees but did not advance any further.
- **Lower Blood Alcohol Content:** [Senate Bill 5002](#), sponsored by Sen. John Lovick (D- 44th LD) proposes to lower the blood alcohol concentration limits for operating a motor vehicle from .08 to .05. The bill was heard, amended and approved by the Senate Law and Justice Committee and the Senate Transportation Committee. The bill made it onto the Senate floor calendar but did not receive a vote in the chamber.
- **Driver's Education:** [Senate Bill 5430](#), provides financial support for novice drivers to receive driver's education. The bill was heard in the Senate Transportation Committee but was not advanced by the committee.



- **Jaywalking:** Companion bills, [House Bill 1428](#), sponsored by Representative Emily Alvarado (D- 34th LD), and [Senate Bill 5383](#), sponsored by Sen. Rebecca Saldana (D- 11th LD) were introduced to remove the infraction of “jaywalking”, thereby authorizing individuals to cross the street. Both bills were heard in the House and Senate Transportation Committees. The Senate version advanced to the Rules Committee but was not pulled for placement on the floor calendar.

Per-mile charge on vehicle usage of public roadways: [House Bill 1832](#) sponsored by Representative Jake Fey (D- 27th LD) establishes a voluntary road usage charge program that places a per-mile fee of 2.5 cents on motor vehicle usage of public roadways. This proposal is part of an ongoing dialogue on future revenue sources for the state’s transportation needs given that the current fuel tax is a declining revenue source. The bill was heard over the course of two days last month in the House Transportation Committee but there has not been any recent movement. The proposal may be considered NTIB and therefore not subject to the standard deadlines.

Impact fee use for bicycle and pedestrian facilities: [Senate Bill 5452](#) sponsored by Senator Sharon Shewmake (D- 42nd LD), adds bicycle and pedestrian facilities that were designed with multi-modal commuting as an intended use to the definition of “public facilities” for which impact fee revenue may be spent to support new growth and development. The bill passed in the Senate by a vote of 34-14, with Republicans casting the votes in opposition. It was referred to the House Local Government Committee, which held a hearing on March 14. The bill was supported by the City of Redmond, Association of Washington Cities, Forever Green Trails, and others who highlighted the importance of multi-modal facilities as part of the larger transportation network. Similar to the comments heard in the House committee process, the Master Builders Association and Building Industry of Washington testified with concerns that expanding the allowable use of impact fees may lead to cities increasing those fees to cover all of the needs currently allowed in state law. The Committee is scheduled to vote on the bill on March 21.

Autonomous Vehicles: [Senate Bill 5594](#), sponsored by Sen. Matt Boehnke (R- 8th LD), authorizes the operation of fully autonomous vehicles on public roadways. The bill preempts the ability of cities to regulate autonomous vehicles. The Senate Transportation Committee held a hearing on the bill. Bellevue staff testified with concerns about the preemption provision within the bill, but otherwise expressed support for facilitating autonomous vehicles. The bill was heard in the Senate Transportation Committee but was not advanced in time for the fiscal committee cutoff deadline.

Services and Infrastructure for a Growing Community

Each biennium, the Legislature enacted a biennial capital budget that appropriates funding to capital projects throughout the state. The City has requested funding to replace Lake Hills Sewer Pump Station 12 within that budget. Rep. Tana Senn and Sen. Lisa Wellman are



championing this request, with support from the other members of the city's legislative delegation. Capital budget writers have indicated a preference that the City apply to the Public Works Assistance Account, rather than seek funding through the capital budget.

The City is also requesting \$850,000 funding in the 2023-2025 Operating Budget to expand the Community Service Center at Mini City Hall in Crossroads. Rep. Vandana Slatter and Sen. Patty Kuderer are championing this request with support from the other members of the city's legislative delegation.

Additional Policy Issues

Homelessness and Human Services

23-hour crisis relief centers: [Second Substitute Senate Bill 5120](#) sponsored by Senator Manka Dhingra (D- 45th LD) requires the Department of Health to license 23-hour crisis relief centers, facilities that are open 24 hours per day, seven days a week, offering behavioral health to adults for no more than 23 hours and 59 minutes at a time. The centers will accept all walk-ins and drop-offs from first responders, mobile rapid response teams, fire department CARES teams, and individuals referred through the 988 system. They must adhere to a no-refusal policy for individuals dropped off by law enforcement. The Senate passed the bill unanimously, and it was referred to the House Health Care and Wellness Committee. The Committee held a hearing on March 15. There were numerous testifiers, all expressing support for the proposal. Broadly, stakeholders representing healthcare, law enforcement, and individuals with disabilities shared that these crisis centers provide an answer to the current lack of places to take individuals experiencing an acute behavioral health crisis, and that the state should fund these facilities to make them available throughout the state. Additionally, a King County councilmember noted that county voters will soon have an opportunity to vote on a levy addressing behavioral health, and the City of Kirkland highlighted a crisis relief center that will be sited in their community. The Committee is scheduled to vote on the bill on March 22.

Supports for adults with lived experience of sex trafficking: [Substitute Senate Bill 5114](#) sponsored by Senator Claire Wilson (D- 30th LD), directs the Office of Crime Victims Advocacy (OCVA) to administer funds for healing, support, and transition services for adults who have been forced to perform certain commercial sex acts. The OCVA must issue a request for proposals for service providers by September 1, 2023. The OCVA must prioritize funding for service providers in underserved areas of the state. On February 28, the Senate passed the bill unanimously. The bill was referred to the House Human Services, Youth, and Early Learning Committee. The Committee held a hearing on March 14 and voted to advance the bill out of committee on March 17.



Climate and the Environment

Extended Producer Responsibility (WRAP Act): [House Bill 1131](#) sponsored by Representative Liz Berry (D- 36th LD) and, [Senate Bill 5154](#) sponsored by Senator Christine Rolfes (D- 23rd LD), the *Washington Recycling and Packaging Act*, requires producers of certain paper products and packaging to participate in and fund the operations for a producer responsibility organization to collect and manage the packaging from consumers. The House version of the proposal advanced through the policy and fiscal committees but did not receive a vote by the chamber in time for the house-of-origin deadline. The Senate bill advanced out of its policy committee but did not receive a hearing in the fiscal committee in time for the fiscal committee cutoff deadline. The proposal is no longer under consideration this session.

Climate change in comprehensive planning: [Engrossed Second Substitute House Bill 1181](#) sponsored by Representative Davina Duerr (D- 1st LD), requested by the Office of the Governor, amends the Growth Management Act to add a goal of climate change and resiliency, and adds a climate change element to the list of elements that must be included in comprehensive plans for all fully planning counties and cities. Fully planning counties and certain cities within them are required to address the adverse impacts of climate change on people, property, and ecological systems, and identify actions to reduce greenhouse gas emissions and vehicle miles traveled. The House of Representatives passed the bill earlier this month by a vote of 57-41, mostly on party lines. The bill was referred to the Senate Local Government, Land Use, and Tribal Affairs Committee, which held a hearing on the bill on March 14. The Department of Commerce testified in support as well as the Governor's Office, who noted that they were working on technical amendments. Supportive testimony was also heard from Futurewise, the Nature Conservancy, and the Cities of Issaquah, Redmond, and Kenmore. The Washington State Association of Counties testified "other," stating that members were split on the bill. It was suggested that language from the utilities element be added to the capital facilities element to help counties who do not own all of their utilities as well as an adjustment on the timeline, which was being discussed with the Governor's Office. The Building Industry Association of Washington testified against the bill out of concern that additional regulation would result in more time and expense to complete projects. On March 16, the Committee voted to advance the bill. It was referred to the Senate Ways and Means Committee for further consideration.

Fiscal Sustainability, Financing Tools, and General Government

Preventing utility shutoffs for non-payment during extreme heat: [Engrossed Substitute House Bill 1329](#) sponsored by Representative Sharlett Mena (D- 29th LD), by request of the Attorney General's Office, is aimed at preventing utilities from disconnecting customers for nonpayment during extreme heat. The bill has been significantly amended through the legislative process. As it currently stands, the bill prohibits utilities from involuntarily terminating water or electric service to a residential user during days for which the National Weather Service has issued certain heat-related alerts. Utilities are required to promptly make a reasonable



attempt to reconnect service to a dwelling upon receipt of a reconnection requests for a day in which there are heat-related alerts in effect. Utilities are authorized to require a payment plan prior to reconnecting service. On February 27, the House of Representatives passed an amended version of the House bill by a vote of 64-31. It was referred to the Senate Environment, Energy, and Technology Committee, and will be heard on March 21.

Property tax cap lift: The Legislature considered two proposals to remove the one percent cap on property tax levy growth. Neither proposal remains under consideration. [Senate Bill 5618](#), sponsored by Senator Patty Kuderer (D- 48th LD), had a public hearing in the Senate Local Government, Land Use, and Tribal Affairs Committee on February 14, where the bill received significant support from stakeholders such as the Washington State Association of Counties, Association of Washington Cities, firefighter organizations, the Washington Recreation and Parks Association, and others. Several individual cities testified to the importance of revenue collection that keeps up with inflation and the rising costs that cities face to address housing and homelessness, public safety, and infrastructure needs. Assistant Director of Intergovernmental Relations Lacey Jane Wolfe testified in support of the bill. The Committee was scheduled to vote on the bill on February 16, but no action was taken. Similarly, [House Bill 1670](#), sponsored by Representative Timm Ormsby (D- 3rd LD), was approved by the House Finance Committee, but was never brought to the floor of the House of Representatives for a vote and is no longer under consideration.

Public Safety

Vehicular pursuits: The sole bill concerning peace officer engagement in vehicular pursuits remaining under consideration is [Senate Bill 5352](#), sponsored by Senator John Lovick (D- 44th LD). It lowers the evidentiary threshold for engagement in vehicular pursuits from probable cause to reasonable suspicion that a person in the vehicle has, or is, committing a criminal offense. While this bill was not heard in committee, the Senate elected to suspend the rules to allow for a floor debate on March 8, the final day for bills to advance out of their house-of-origin. There was robust policy debate, with some Democrats stating that the current vehicular pursuits standard has saved lives, while Republicans asserted that the bill does not allow enough flexibility for peace officers to decide whether to engage in a pursuit. Still, legislators on both sides of the aisle offered comments that the proposal represents progress over the status quo, and therefore they could support it. The Senate passed the bill by a vote of 26-23, with a bipartisan mix of votes on both sides of the tally. The bill is now under consideration in the House of Representatives, where it is unclear whether there are the votes to advance the proposal.

State v. Blake decision/controlled substance possession: The Senate Law & Justice heard considered four different proposals representing a spectrum of perspectives – from re-establishing possession of a control substance as a Class C felony, to fully decriminalizing it. The Committee chose to advance [Second Substitute Senate Bill 5536](#) sponsored by Senator



June Robinson (D- 38th LD). The proposal increases the penalty for knowing possession of controlled and counterfeit substances to a gross misdemeanor and creates a pretrial diversion program for individuals charged with possession. It requires courts to impose minimum jail sanctions on defendants convicted of possession who refuse substance use disorder treatment and to vacate possession convictions for defendants who complete required treatment. On March 3, the Senate passed the bill with amendments to state the Washington State Patrol should complete drug analysis within 45 days, requiring the state to allocate resources to assist with obtaining a substance use disorder evaluation within seven days, and requiring the state to reimburse local courts for costs associated with travel to obtain substance use disorder evaluations. The vote was 28-21, with a bipartisan mix of votes on both sides of the vote tally. It is scheduled for a public hearing in the House Community Safety, Justice, and Reentry Committee on March 20. The minimum jail sanctions on those who refuse treatment are likely to be the most controversial component of the bill as it is considered in the House of Representatives.

Moving violations: [House Bill 1513](#), sponsored by Rep. Chipalo Street (D- 37th LD), and [Senate Bill 5572](#), sponsored by Sen. Javier Valdez (D- 46th LD), limits officers' use of stops and detentions for non-moving violations as a primary offense. The House Community Safety, Justice, and Reentry Committee clarified that officers retain the authority to enforce non-moving violations and that officers may stop or detain vehicles for non-moving violations that are based on improper use of warning lights or license plates that do not match the vehicle. The Senate version of the bill received an initial hearing but did not advance out of committee. The House legislation advanced through the committee process but was not placed on the floor calendar for a vote by the Rules Committee. It is no longer under consideration this session.

Public Works and Infrastructure

Public Works Assistance Revolving Account: [Senate Bill 5303/SJR 8201](#) sponsored by Senator Mark Mullet (D- 5th LD) is the legislation necessary to submit to the voters a constitutional amendment establishing a Public Works Assistance Revolving Account in the State Treasury. Moneys may be withdrawn and appropriated from the revolving account to provide loans and grants to local governments for public works projects. Eligible local government entities include cities, towns, counties, and municipal corporations. Funds can be used for public works projects such as streets and roads, bridges, water, storm, and sanitary sewer systems, and other needs. Senate Bill 5303 was passed by the Senate 46-3, but the chamber did not vote on the Resolution in time for the March 8 house-of-origin deadline. The proposal is likely dead for this session.