

CITY COUNCIL STUDY SESSION

State Legislative Update

Joyce Nichols, Director of Intergovernmental Relations, 452-4225
City Manager's Office

DIRECTION NEEDED FROM COUNCIL**INFORMATION
ONLY**

No action is required; this is an informational briefing. The State Legislature addresses a range of policy issues of interest to the City. Council may wish to provide direction to staff regarding legislative proposals.

RECOMMENDATION

N/A

BACKGROUND & ANALYSIS

We are just past the half-way point in the 2021 state legislative session. The last major cutoff was last week and bills had to pass out of their respective chambers to remain under consideration for the remainder of the session. Of the approximately 1,100 bills introduced, approximately 415 remain under consideration. The priority task of the House of Representatives and the Senate has shifted from approving bills on the floor to meeting in committees, holding public hearings, and voting on bills that were “sent over” after passing in the opposite chamber. The next important cutoff date is March 26 when bills need to pass out of their respective policy committees in the opposite house to continue to advance. The only exception to the cutoffs is pieces of legislation deemed “necessary to implement the budget”, or NTIB. These bills are exempt from the cutoff dates.

On March 17, the Washington State Economic and Revenue Forecast Council is meeting to discuss the March revenue forecast. The forecast is anticipated to reflect higher actual and anticipated revenue collections than the November forecast. The Senate was expected to release its proposed budgets shortly after the release of the revenue forecast. However, last week President Biden signed the American Rescue Plan into law, which provides the state \$4.25 billion in federal funds. State budget writers may need additional time to release their initial operating, transportation, and capital budgets to reflect the revenue forecast and the infusion of federal funds.

Included below is the schedule of cutoff dates for this year’s legislative process:

Session Cutoff Calendar

February 15, 2021	Policy Committee Deadline
February 22, 2021	Fiscal Committee Deadline
March 9, 2021	Chamber of Origin Deadline
March 26, 2021	Opposite Chamber Policy Committee Deadline
April 2, 2021	Opposite Chamber Fiscal Committee Deadline
April 11, 2021	Opposite Chamber Deadline
April 25, 2021	Session adjourns - Sine Die

Transportation Improvements:

There are several policy discussions on how best to reduce greenhouse gasses and carbon emissions that are linked to both the House and Senate transportation revenue which would support the adoption of a new revenue transportation package and Governor Jay Inslee's priority on climate change legislation. There are five proposals under discussion by the Legislature, including the two main proposals by the House Transportation Committee Chair Jake Fey and Senate Transportation Committee Chair Steve Hobbs. Some legislators are referring to these proposals as a "grand bargain". One proposal, **House Bill 1091**, would establish a low carbon fuel standard. The bill passed the House and had a hearing in the Senate. Several Democratic legislators have indicated they are unwilling to support a new transportation revenue package until a low carbon fuel standard is enacted.

Another element of the "grand bargain" may include **Senate Bill 5126**, sponsored by Senator Reuven Carlyle (D-Seattle), would establish a cap-and-invest program in Washington state. SB 5126 is scheduled for a public hearing this week in the Senate Ways & Means Committee.

I-405 Toll Revenue Bonding Deemed NTIB and Amendment Drafted: Senate Bill 5232, sponsored by Senator Curtis King (R-Yakima), as originally drafted, would remove the authority for the state to bond toll revenues on the I-405/SR 167 Corridor. After several conversations with transportation leaders, amendment language has been agreed to, which addresses some of the concerns with the legislation, would put a trigger into state law on when toll revenues can be bonded (e.g., 2023 or when toll revenues are sufficient to fund the projects identified in 2019).

Regardless of whether the bill advances this session, the decline in toll revenues throughout the pandemic will likely mean that the soonest that bonds could be issued is 2023. This pushes the constructed date of the north-end improvements on I-405 to 2027, rather than 2024. To deliver the project in 2024, the Legislature would need to dedicate \$600 million to fund the improvements on the north end of I-405. Senate Bill 5232 has been deemed *Necessary to Implement the Budget* and therefore is not subject to cutoff deadlines.

Affordable Housing, Homelessness and Human Services:

The following bills are considered “alive” in the 2021 legislative session:

- **Foreclosure Support: House Bill 1108**, sponsored by Representative Tina Orwall (D-Des Moines), would provide additional funding to the Foreclosure Fairness Program to provide mediation services to homeowners facing foreclosure. The amended version of the bill was unanimously voted out of the House. The bill received a hearing in the Senate Business, Financial Services & Trade Committee and is scheduled to be voted out of committee soon.
- **Expanded Sales Tax Authority for Affordable Housing: House Bill 1070**, sponsored by Representative Cindy Ryu (D-Shoreline), would modify House Bill 1590, passed during the 2020 session. That bill authorized a county or city, by councilmanic action, to impose a local sales and use tax for affordable housing. House Bill 1070 would clarify that sales tax revenue authorized in House Bill 1590 could be used for acquisition of existing buildings to be used for emergency, transitional, and supportive housing. The bill was amended in the policy committee to require a county to consult with a city prior to acquiring an existing building located within a city, and if a county does acquire a facility within a city, that facility must dedicate at least 15 percent of its services to city residents. The bill passed the House on a vote of 56-42. The bill was heard in the Senate and is scheduled to be voted out of committee soon.
- **Development Regulations for Shelters and Housing: House Bill 1220**, sponsored by Representative Strom Peterson (D-Edmonds), would update the Growth Management Act (GMA) to include planning for and accommodating affordable housing. The bill also includes language that would require cities to allow emergency housing, permanent supportive housing, and short-term transitional or therapeutic housing in almost every zone where hotels and short-term rentals are allowed (e.g., commercial, multifamily, single-family residential). Despite concerns expressed by a coalition of cities and the Association of Washington Cities, the bill passed out of the House on a vote of 57-39 earlier this month. The amended version of the bill has been scheduled for a public hearing in the Senate Housing and Local Government Committee. Several cities, including Bellevue, have voiced opposition to parts of the bill and have requested the sponsor to consider various amendments to address these concerns.
- **Tenant Protections and Landlord Assistance: Senate Bill 5160**, sponsored by Senator Patty Kuderer (D-Bellevue), was voted out of the Senate on a vote of 29-20. The bill would establish a plan, including mediation, for when the eviction moratoria end. The bill has been scheduled for a public hearing and vote out of the House Housing, Human Services & Veterans Committee this week.
- **Eviction Prevention Assistance: House Bill 1277**, sponsored by Representative Timm Ormsby (D-Spokane), would increase the document recording fee by \$100 to fund rental assistance and other support services to prevent eviction. The bill is scheduled for a public

hearing and vote this week in the House Appropriations Committee. This bill is considered *Necessary to Implement the Budget* and is not subject to the legislative cutoff deadlines.

Social and Criminal Justice Reform:

The following bills are considered “alive” for the 2021 legislative session:

- **Impeachment Disclosures: House Bill 1088**, sponsored by Representative John Lovick (D-Mill Creek), would update policies and procedures for addressing potential impeachment disclosures in law enforcement pursuant to *Brady v. Maryland*. The bill has passed both the House and Senate but must go back to the House to reconcile the two versions before the legislation can be sent to the Governor for his signature. Under the bill, county prosecutors, in partnership with other law enforcement agencies, would be required to develop and adopt written protocols addressing potential impeachment disclosures. The protocols must provide guidance to law enforcement agencies addressing the kinds of conduct that should be recognized as potentially exculpatory; the way in which information regarding officer conduct should be maintained and shared; and the circumstances under which potential impeachment information about an officer should be removed. Additionally, prior to hiring a new officer, a law enforcement agency will need to inquire if the officer has ever been subject to potential impeachment. The bill passed the House on a vote of 61-37 and the amended version passed in the Senate passed by a vote of 46-3.
- **Law Enforcement Recruitment: House Bill 1001**, sponsored by Representative Jacquelin Maycumber (R-Republic), would create a grant program through the Criminal Justice Training Commission (CJTC) to improve outreach and recruitment efforts for law enforcement. The bill is scheduled for a public hearing this week in the Senate Ways & Means Committee.
- **Audits of Use of Force Investigations: House Bill 1089**, sponsored by Representative Bill Ramos (D-Issaquah), would establish compliance audits of law enforcement agencies through the State Auditor's Office (SAO). The SAO would conduct a compliance audit of a law enforcement agency at the conclusion of any deadly force investigation. Additionally, at the request of the CTJC, the SAO may conduct audits of law enforcement agencies to ensure the agencies are compliant with all applicable state laws, policies, and procedures. Under the bill, law enforcement agencies will not be required to pay any costs or fees for compliance audits. The bill was heard and voted out of committee with a clarifying amendment to ensure that the compliance audits at the conclusion of any deadly force investigation are mandatory. The bill now goes to the Senate Ways & Means Committee for further consideration.
- **Decertification of Officers for Misconduct: Senate Bill 5051**, sponsored by Senator Jamie Pederson (D-Seattle), would create a new process to decertify peace and corrections officers through the CJTC. The bill passed the Senate on a vote of 26-19. During the floor debate, 39 amendments were offered, and four were accepted, including: 1) clarifying the suspension of an officer's certification cannot be the sole basis for not continuing to maintain the officer's benefits;

2) adding a hold harmless provision for the release of information; 3) aligning the hearings process for tribal police and peace officers; 4) removing duplicative language for the CJTC. The bill was heard in the House Public Safety Committee and has been scheduled for a vote out of committee as soon as this week.

- **Arbiters: Senate Bill 5055**, sponsored by Senator Joe Nguyen (D-Seattle) addresses the selection and training of arbiters and would establish a new system for law enforcement grievance arbitrations. The grievance procedures for all collective bargaining agreements covering law enforcement personnel negotiated or renewed on or after January 1, 2022, would be required to include the arbitrator selection procedures established in this bill if the collective bargaining agreement provides for arbitration as a means of resolving grievances for disciplinary actions, discharges, or terminations. The Public Employment Relations Commission (PERC) would manage a roster of specialized law enforcement grievance arbitrators with special training to decide police discipline disputes. Law enforcement discipline disputes would need to be arbitrated using a PERC specialized law enforcement arbitrator from the roster. PERC would also publish the final arbitration decisions. The bill was voted out of the Senate on a vote of 41-8. The bill was heard in the House Labor & Workplace Standards Committee and has been scheduled for a vote out of committee as soon as this week.
- **Duty to Intervene: Senate Bill 5066**, sponsored by Senator Manka Dhingra (D-Redmond), would create a duty for an officer to intervene if another officer is engaging in excessive use of force against another person. The bill was amended in committee to clarify that an officer must be on-duty and identifiable as a police officer in order for the duty to intervene to apply and also eliminates “acts in violation of the public’s trust” from the definition of wrongdoing. The bill passed the Senate on a vote of 28-21. During the floor debate several amendments were offered but none were accepted. The bill was heard in the House Public Safety Committee and has been scheduled for a vote out of committee as soon as this week.
- **Police Tactics: House Bill 1054**, sponsored by Representative Jesse Johnson (D-Federal Way), would establish limitations and requirements for police tactics and equipment, including banning chokeholds, neck restraints, the purchase of certain types of military equipment, the use of tear gas, use of K-9 units, “no-knock” warrants, and limiting vehicular pursuits. The House approved the bill on a vote of 54-43, with several amendments, including: allowing grenade launchers to be purchased by law enforcement departments through the military equipment program; allowing silencers to be purchased by law enforcement departments through the military equipment program; allowing tear gas to be used in limited situations; modifying the definition of chokehold; modifying the language around firing upon moving vehicles; modifying the use of K-9 units. The bill was heard in the Senate Law & Justice Committee and has been scheduled for a vote out of committee as soon as this week.
- **Independent Office for Use of Force Investigations: House Bill 1267**, would establish the Office of Independent Investigations (OII) within the Office of the Governor. As amended by the House Public Safety Committee, the scope of the OII was narrowed to remove in-custody

deaths (not including deadly force incidents) and sexual assaults committed by involved officers from the investigatory jurisdiction. Instead, the bill requires an Advisory Board to work with the Office's executive director to assess whether additional investigations should be included in the scope of the Office and provide a report to the Legislature by November 1, 2023. The bill passed the House on a vote of 57-39. The amendments clarify that the OII has jurisdiction over all use-of-deadly-force incidents including in correction facilities, and requires OII to direct agencies as to what types of use of force incidents, injuries, or circumstances are required to be reported by the agency to the OII. The bill is scheduled for a public hearing and vote in the Senate Law & Justice Committee.

- **Reforming the “Felony Bar” Statute: Senate Bill 5263**, sponsored by Senator David Frockt (D-Seattle), was voted out of the Senate on a vote of 28-20. The bill amends the “felony bar” statute that bans a person who sustains injury or death while committing a crime from being able to bring a civil action. The Senate Law & Justice Committee amended the bill to provide a complete defense to civil actions brought forward if it was determined beyond a reasonable doubt that the person injured or killed was engaged in the commission of a class A or class B felony and the commission of which was a proximate cause of the injury or death. The bill has been referred to the House Civil Rights & Judiciary Committee but has not yet been scheduled for action.
- **Data Collection: Senate Bill 5259**, sponsored by Senator T’wina Nobles (D-Fircrest), passed the Senate on a vote of 46-2, and has been referred to the House Public Safety Committee for consideration. As amended, the Attorney General’s Office (AGO) is tasked with establishing an advisory group to make recommendations to implement a program for statewide data collection, reporting, and publication of use of force data by April 1, 2022. All law enforcement agencies are required to report all instances of use of force no later than three months after the AGO’s office selects a private or public institution of higher education to serve as the repository for such data. The bill has been scheduled for a public hearing in the House Public Safety Committee.
- **Statewide Civil Use of Force Standard: House Bill 1310**, sponsored by Representative Jesse Johnson (D–Federal Way), would establish a civil standard for use of force. A peace officer may use physical force against another person when necessary to effect an arrest, prevent an escape, or otherwise protect against an imminent threat of bodily injury to the officer or another person. The bill would require the officer to take reasonable care in using force, including exhausting all de-escalation tactics. By July 1, 2022, the Attorney General’s Office would have to develop and publish model policies on use of force and de-escalation tactics consistent with the standard. The bill passed the House on a vote of 55-42. The bill is scheduled for a public hearing and vote out of the Senate Law & Justice Committee as soon as this week.
- **Unlawful Covenant Review and Removal:** On March 4, **House Bill 1335**, sponsored by Representative Javier Valdez (D-Seattle), was voted out of the House on a vote of 97-1. The bill as introduced would have required cities and counties to review racial and other unlawful

covenants recorded on deeds and to instruct property owners in how to remove the restrictions. This bill was amended to remove the local government requirement and instead adds provisions to the seller's disclosure statement to provide notice to purchasers at the time of sale of a property and provides a process to remove unlawful covenants. Subject to funding, higher education institutions would review existing deeds and covenants to expedite the review and removal of unlawful covenants. The bill is scheduled for a hearing in the Senate Business, Financial Services & Trade Committee.

The following bills were not brought up for a vote of the entire House or Senate prior to the March 9 cutoff deadline and are considered "dead" for the 2021 legislative session:

- **Civil Cause of Action: House Bill 1202**, sponsored by Representative My-Linh Thai (D-Bellevue), would have created a civil cause of action for persons injured by a law enforcement officer. The bill would have allowed a prevailing plaintiff to be compensated for attorney's fees, even if the court finds little in damages.
- **Community Oversight Board: House Bill 1203**, sponsored by Representative Jesse Johnson (D-Federal Way), would have required any jurisdiction with at least 15 law enforcement officers to establish a community oversight board by 2025.
- **Allowing Police Oversight Reports in Discipline Process: Senate Bill 5436**, sponsored by Senator Andy Billig (D-Spokane), would have allowed the contents of a police oversight ombuds report to be used in the disciplinary process of police officers.

Climate and the Environment:

The following bills are considered "alive" for the 2021 legislative session:

- **Low Carbon Fuel Standard: House Bill 1091**, sponsored by Representative Joe Fitzgibbon (D-Buren), was voted out of the House on a vote of 52-46. The bill would enact a statewide low carbon fuel standard. The bill was heard in the Senate Environment, Energy & Technology Committee and is scheduled for a vote out of committee this week.
- **Phase-out of Hydrofluorocarbons (HFCs): House Bill 1050**, sponsored by Representative Joe Fitzgibbon (D-West Seattle), was voted out of the House on a vote of 56-40. The bill would strengthen standards to phase out HFCs which are industrial chemicals primarily used for cooling and refrigeration. The bill will be heard this week in the Senate Environment, Energy & Technology Committee.
- **Electric Vehicle Forecasting: House Bill 1287**, sponsored by Representative Alex Ramel (D-Bellingham), was voted out of the House on a 65-31 vote. The bill would require the Washington State Department of Transportation (WSDOT) to develop and maintain a publicly available mapping and forecasting tool for charging and refueling infrastructure to support electric

vehicles. The bill will be heard in the Senate Environment, Energy & Technology Committee.

- **Hydrogen Fuel Vehicles: Senate Bill 5000**, sponsored by Senator Brad Hawkins (R-East Wenatchee), passed the Senate on a unanimous vote. The bill would encourage the purchase of new and used hydrogen fuel cell electric vehicles by establishing an eight-year fuel cell electric vehicle partial sales and use tax exemption pilot program beginning July 1, 2022. The bill has been scheduled for a public hearing in the House Finance Committee.
- **Environmental Justice Task Force Recommendations: Senate Bill 5141**, sponsored by Senator Rebecca Saldaña (D-Seattle), passed the Senate on a 28-21 vote. The bill seeks to implement several of the state Environmental Justice Task Force's recommendations including, codifying the definition of environmental justice, and requiring state agencies to incorporate environmental justice principles when implementing policies and programs. The bill is scheduled for a public hearing and a vote out of the House Environment & Energy Committee as early as this week.
- **Minimum Recycled Content and Expanded Polystyrene Ban: Senate Bill 5022**, sponsored by Senator Mona Das (D-Kent), passed the Senate on a vote of 31-17. The bill would establish a minimum recycled content for plastic beverage containers, ban expanded polystyrene products used for food and packing peanuts and require certain foodservice items to be made available only by request. The bill was heard in the House Environment & Energy Committee.
- **Public Building Standards: House Bill 1280**, sponsored by Representative Alex Ramel (D-Bellingham), passed the House on a 57-39 vote. The bill would reduce greenhouse gas emissions in the design of public facilities. The bill is scheduled for a public hearing in the Senate Environment, Energy & Technology Committee.
- **Cap-and-Invest: Senate Bill 5126**, sponsored by Senator Reuven Carlyle (D-Seattle), would establish a cap-and-invest program in Washington. This bill is considered *Necessary to Implement the Budget* as lawmakers continue to discuss the merits of using carbon-related revenue as part of a new revenue transportation funding package. The bill is scheduled for a public hearing in the Senate Ways & Means Committee.
- **Carbon Tax and Green Bonds: Senate Bill 5373**, sponsored by Senator Liz Lovelett (D-Anacortes), and **House Bill 1513**, sponsored by Representative Debra Lekanoff (D-LaConner), would establish a carbon tax and green bond program. Beginning July 1, 2022, a carbon tax would be imposed at the rate of \$25 per ton of greenhouse gas emissions. These bills are considered *Necessary to Implement the Budget* as lawmakers continue to discuss the merits of using carbon-related revenue as part of a transportation revenue package.

The following bills were not brought up for a vote of the entire House or Senate prior to the March 9 cutoff and are considered "dead" for the 2021 legislative session:

- **Greenhouse Gas Emissions Study for Rideshare: House Bill 1075**, sponsored by Representative Liz Berry (D-Seattle), would have required a study of vehicle miles traveled and greenhouse gas emissions of commercial transportation service providers, including Transportation Network Companies (TNCs) like Uber and Lyft.
- **Plastic Bag Ban Delay: House Bill 1053**, sponsored by Representative Strom Peterson (D-Edmonds), would give the Governor the authority to delay implementation of the statewide plastic bag ban due to the COVID-19 pandemic prevention measures and supply chain issues. This bill was slated for early action; however, legislators and stakeholders decided it was no longer needed because the delay in implementing the ban is in place until the Governor lifts the state of emergency order.

Preserve Fiscal Sustainability and Local Control:

The following bills are considered “alive” for the 2021 legislative session:

- **Lifting the 1 Percent Property Tax Cap:** House Bill 1362, sponsored by Representative Davina Duerr (D-Bothell), would replace the 1 percent property tax cap with a cap based on inflation, not to exceed 3 percent. The bill has been designated “*Necessary to Implement the Budget*” and is not subject to cutoffs. The bill is scheduled for a hearing in the House Finance Committee. Legislators are seeking bi-partisan support to advance the bill.
- **Fiscal Flexibility: House Bill 1069**, sponsored by Representative Gerry Pollet (D-Seattle), would provide cities a temporary option to use state shared revenues in a more flexible manner. The House passed the bill on a 56-42 vote. The bill was amended in the following ways: to allow the criminal justice sales tax revenue to reduce homelessness or to improve behavioral health services; to allow Real Estate Excise Tax (REET) revenue to provide services to residents of affordable housing and/or homeless shelters; to allow up to \$100,000 or 35 percent of REET funds for maintenance of capital projects; to remove supplanting limitations on voter-approved levies that were adopted in 2019; to provide flexibility for use of lien authority for collection of city-owned utilities; and, to allow mental health and chemical dependency sales tax revenues to be spent for minor capital budget purposes. All provisions would end on December 31, 2023. The bill was heard in the Senate Housing & Local Government Committee and could be voted out of the committee as early as this week.
- **Prohibiting Owner-Occupancy Requirements: Senate Bill 5235**, sponsored by Senator Marko Liias (D-Lynnwood), passed the Senate on a 43-6 vote. As introduced, the bill would have prohibited cities from including an owner-occupancy requirement on accessory dwelling units (ADUs) and from regulating the number of unrelated people living in a residence. The bill was amended to clarify that limits on unrelated people living in a home can be regulated by an applicable building code or city ordinance. As passed by the Senate, the bill was further amended to provide an implementation timeline for cities and counties planning under the Growth Management Act (GMA). Several cities have expressed concerns with the ADU portions of the bill.

and are working with legislators to provide amendment language. as applied to certain housing subdivisions, to adopt or amend ordinances to prohibit owner-occupancy requirements for housing units on the same lot as an accessory dwelling unit. The bill as passed the Senate can be found [here](#), and a summary can be found [here](#). Several cities have voiced concerns with the ADU portion of the bill and are working with legislators to propose various amendments to neutralize concerns. The bill was heard in the House Local Government Committee and could be voted on in the committee as soon as this week.

- **Qui Tam – Private Rights of Action: House Bill 1076**, sponsored by Representative Drew Hansen (D-Bainbridge Island), passed the House on a 53-44 vote. The bill would allow a private right-of-action for individuals and organizations to sue employers in the place of the state to enforce state labor laws. Under the existing statute, such workplace enforcement actions can only be brought forward by the Attorney General's Office on behalf of the Department of Labor and Industries or the Human Rights Commission. Cities have expressed concern that this bill could significantly increase legal risk and litigation costs for cities. During the floor debate, 25 amendments were presented, and none were accepted. The bill is scheduled for hearing and a possible vote out of the Senate Labor, Commerce & Tribal Affairs Committee as soon as this week.
- **Traffic Infraction Shared Revenues: Senate Bill 5226**, sponsored by Senator Jesse Salomon (D-Shoreline), passed the Senate on a 33-16 vote. The bill would eliminate the suspension of a drivers' license for the failure to pay, respond or appear at a hearing for a traffic infraction or moving violation. The bill would increase the state's share of a \$20 penalty from \$8.50 to \$12.50, resulting in a reduced share for cities and counties from \$11.50 to \$7.50. The bill was amended to increase the \$20 fee to \$24 to restore cities' share of the fee to \$11.50.

The following bill was not brought up for a vote in the House prior to the March 9 cutoff and is considered "dead" for the 2021 legislative session:

- **Municipal Utility Lien Authority and Waiver of Debts: House Bill 1421**, sponsored by Representative Jeremie Dufault (R-Selah), would have removed the authority of cities to place a lien against a property for unpaid utility charges when the charges were incurred by a tenant. The bill included an amendment that would have expanded the scope of the bill regarding repayment and balance waiver provisions that was a concern for cities that provide utility services. Bellevue was among the cities that lobbied against this bill because it would remove an important tool to ensure payment for utility services.

Other Bills of Interest

- **Open Public Meetings Act (OPMA): House Bill 1056**, sponsored by Representative Gerry Pollet (D-Seattle), would allow local governments to hold virtual meetings during any emergency where it is reasonably unsafe to meet in-person (e.g. a pandemic, an earthquake or a snowstorm) without having to wait for the Governor to make a proclamation and/or for the

proclamation to be continuously extended by the Legislature. The bill does not allow for an in-person meeting option when the Governor has ordered otherwise; only the reverse – a virtual meeting when the Governor has NOT issued a proclamation specifically authorizing a virtual format. The bill passed the House on a unanimous vote and was heard in the Senate State Government and Elections Committee.

- **Open Public Meetings Act – Remote Access: House Bill 1329**, sponsored by Representative Emily Wicks (D-Everett), passed the House on an 89-6 vote. As introduced, the bill would have required local governments to provide remote access to all meetings, to record those meetings and post the recordings online, and to accept public comment before acting on a substantive matter. The bill was amended in committee to “encourage” rather than require remote access and recording of all meetings. The bill would still require local governments to provide an opportunity for written or oral public comment at every regular meeting where final action is taken and would require, upon request of an individual, to provide an opportunity for remote oral comment for that individual when feasible. One amendment was accepted during the floor debate to further define “regular meeting,” which is a meeting where a final action is taken. A hearing on the bill is scheduled in the Senate State Government & Elections Committee.
- **Planning Grants to Support Transit-Oriented Growth: Senate Bill 5312**, sponsored by Senator Mark Mullet (D-Issaquah), would authorize a grant program for jurisdictions to perform subarea planning and other planning work to support transit-oriented development. Grant awards would prioritize applications that facilitate transit-oriented development, the total number of housing units authorized, proximity and quality of transit access, building height allowance, parking requirements, and other features. The bill passed the Senate on a 44-3 vote and is scheduled for a vote in the House Environment & Energy Committee as early as this week.
- **Alternative Public Works Contracting: Senate Bill 5032**, sponsored by Senator Bob Hasegawa (D-Seattle), would remove the sunset date and make alternative public works contracting a permanent option for cities. Cities may choose between traditional public works contracting where a contractor is selected based on the lowest responsive bid from a responsible bidder OR use the alternative public works contracting option that is based on qualifications and price. This bill passed the Senate on a unanimous vote and was heard in the House but has not been scheduled for further action.
- **Multifamily Property Tax Exemption (MFTE): Senate Bill 5287**, sponsored by Senator Mona Das (D-Kent), passed the Senate on a 43-5 vote. The bill would make several changes to the MFTE and was amended significantly to remove language that was a concern for cities and other stakeholders. As the bill has moved through the process, it has been significantly amended to remove several concerning elements and now has the support of the AWC, low-income housing advocates, and developers. Stakeholders agreed to make no further changes to the bill unless the amendments are unanimously supported. The bill is scheduled for hearing

in the House Finance Committee.

- **Tax Increment Financing (TIF): House Bill 1189**, sponsored by Representative Davina Duerr (D-Bothell), was amended and passed the House on a 64-33 vote. The bill would authorize the use of TIF in Washington. TIF is an economic development tool that allows growth to pay for the infrastructure needed to spur that growth. The bill was heard in the Senate Business, Financial Services & Trade Committee but has not been scheduled for a vote.
- **Creation of a State Public Bank: Senate Bill 5188**, sponsored by Senator Patty Kuderer (D-Bellevue), passed the Senate on a 27-21 vote. The bill would establish a Washington state public bank to provide greater local government capital financing. The bill includes provisions to ensure the new state bank would not create state debt, would not be a public depository as defined in statute, and specifies that the cooperative does not interfere with the mission of the Washington State Housing Finance Commission. The bill is scheduled for hearing in the House Consumer Protection & Business Committee.
- **Middle Housing and the GMA: House Bill 1232**, sponsored by Representative Andrew Barkis (R-Olympia), would require cities to consider a variety of missing middle housing in the GMA planning process, to consider housing locations in relation to employment locations and would require cities to link jurisdictional goals in its housing element to overall county goals. The bill was amended in committee to limit the requirements relating to single-family residences to apply only within an urban growth area boundary. The bill passed the House on a 77-21 vote with an amendment that provides an exemption for counties and cities outside of Clark, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties under certain conditions. The bill is scheduled for a hearing in the Senate Housing & Local Government Committee.
- **Childcare Affordability: Senate Bill 5237**, sponsored by Senator Claire Wilson (D-Auburn), passed the Senate on a 28-21 vote. “The Fair Start for Kids Act” aims to make child care more affordable for families, stabilize and expand the diverse child care workforce, support the expansion of child care, and strengthen prevention and intervention services. The companion bill, **House Bill 1213**, sponsored by Representative Tana Senn (D-Mercer Island), passed the House on a 58-38 vote. This week, Senate Bill 5237 is scheduled for a public hearing in the House Children, Youth & Family Committee.
- **Early Learning Impact Fees: House Bill 1331**, sponsored by Representative Kirsten Harris-Talley (D-Seattle), passed the House on a 73-25 vote. The bill would allow a jurisdiction to exempt early learning facilities from impact fees without backfilling them with public funds if certain requirements are met. The bill also limits a local government from imposing an impact fee on an early learning facility that is greater than that imposed on a commercial retail or office development that generates a similar number, volume, type, and duration of vehicle trips. The bill was heard in the Senate Housing & Local Government Committee and has not yet been scheduled for further action.

- **Expanding Computer Science Degrees: Senate Bill 5401**, sponsored by Senator Joe Nguyen (D-Seattle), passed the Senate on a 48-0 vote. The bill would expand the number of community and technical colleges eligible to provide computer science-related degrees in Washington. The bill was heard in the House College & Workforce Development Committee and has been scheduled for a committee vote as early as this week.

The following bills were not brought up for a vote prior to the March 9 cutoff and are considered “dead” for the 2021 legislative session:

- **Prohibiting the Use of Credit History for Insurance: Senate Bill 5010**, sponsored by Senator Mona Das (D-Kent), would have prohibited the use of credit history to determine rates for personal lines of insurance.
- **SEPA Exemption for Shelters: Senate Bill 5428**, sponsored by Senator Joe Nguyen (D-Seattle), would exempt emergency and transitional shelters from the state environmental policy act (SEPA). The bill was amended in committee to add a requirement that a local jurisdiction must have declared a state of emergency on homelessness for a facility to qualify for an exemption from SEPA.
- **Public Works Contracts and COVID-19 Delays: Senate Bill 5333**, sponsored by Senator Jeff Holy (R-Cheney), would have deemed void and unenforceable any clause in a public works contract that waives, releases, or extinguishes the rights of a contractor, subcontractor, or supplier to receive damages or an equitable adjustment arising out of a delay in performance caused by the COVID-19 pandemic emergency proclamations.

POLICY & FISCAL IMPACTS

The State Legislature addresses a range of policy issues of interest to the City.

OPTIONS

N/A

ATTACHMENTS & AVAILABLE DOCUMENTS

N/A

AVAILABLE IN COUNCIL LIBRARY

N/A