

[2023 Washington Legislative Session Review](#)

AWC LEGISLATIVE WRAP-UP

[Watch AWC's 2023 legislative wrap-up webinar \(wacities.org\)](#)

[Legislative Bulletin \(wacities.org\)](#)

[Bill Information \(wa.gov\)](#)

CAMAS GRANT FUNDING

Commerce - Local and Community Projects 2024

Lacamas Lake Water Improvements - \$515,000 for treatment demonstration project

Commerce – Capital Improvement Program

Camas Library Grant- \$730,000 Camas Library Exterior Improvements to roof, life safety, and accessibility.

Washington Wildlife Recreation Program- 2023-25

LP Crown Park Improvements Phase 1 - \$500,000 Construction

Washington Wildlife & Recreation Program- 2023-25

Green Mountain Grant - \$1,250,000 for acquisition reimbursement

Washington Wildlife & Recreation Program- 2023-25

South Lacamas Creek Trailhead - \$500,000 Construction

HUMAN RESOURCES

HB 1200 – Is a new requirement that public employers share certain employee records, like contact information, position, salary, etc., with public employee union representative.

This includes new hire information within 21 days of hire as well as summary every 120 days. Heidi will provide this info as required to the unions.

HB 1187 - Creates a new legal privilege (like attorney-client or doctor-patient privilege) between unions and represented employees.

Some concerns that the bill's language is too broad and will unfairly disadvantage employers in court and interfere with an employer's ability to manage staff and investigate misconduct. The law does include some exceptions to the privilege including the following:

- Preventing the commission of a crime;
- Civil or criminal actions where employee is accused of a crime or assault or battery;
- Civil or criminal actions where the employee is a party to the action;
- Civil, criminal or regulatory actions against the union; or
- When a union employee discloses information to a union representative about the employee's commission of a crime or intent to engage in criminal conduct.

SHB 1068 - Concerning injured workers' rights during compelled medical examinations.

In the workers' compensation system, an employer's claim manager may request that an injured worker submit to a medical examination, which is typically referred to as an independent medical exam (IME). The purpose of an IME is to: (1) determine whether to allow or re-open a claim; (2) resolve a new medical issue, an appeal, or case progress; or (3) evaluate the worker's permanent disability or work restriction. The examinations are performed by medical providers approved by the Department of Labor and Industries (Department). The IME provider must submit written reports of the examination to the worker, the worker's attending physician, and the person ordering the examination. Generally, information contained in claim files and records of injured workers are confidential and are not subject to public inspection.

PUBLIC SAFETY & CRIMINAL JUSTICE

Blake Bill – SB - 5536

The Washington House of Representatives passed a compromise version of Senate Bill 5536 after extensive negotiations between the leadership and negotiating teams of all four caucuses. The bill sets the penalty for possession of controlled substances as a gross misdemeanor with a maximum confinement time of 6 months for the first two convictions and any fine for any conviction is capped at a maximum of \$1,000. It also creates a system for pre-trial diversion into treatment. Recognizing the collateral consequences that a conviction can have, the bill requires mandatory early conviction vacation if a person can prove that they have completed treatment or have “substantially complied” with the recovery navigator program or similar services for six months. The bill takes strides toward setting up an effective system for outreach, treatment, and recovery while providing avenues for accountability with plenty of offramps into treatment. To address the problem of people using drugs in community spaces, the bill creates the crime of public use. The new law provides an exemption from taxation on real and personal property used by a nonprofit for maintaining an approved recovery residence. The bill passed with a bipartisan vote of 83-13. The Senate passed the compromise earlier Tuesday May 16th with a vote of 43-6. Governor signed May 16th. Effective date 8/15/2023.

Pursuit Bill – SB 5352

The final version of SB 5352 authorizes a law enforcement officer to engage in a vehicular pursuit if all the following conditions are met:

- The officer has ‘reasonable suspicion’ that the driver or a passenger:
- Has committed or is committing a violent offense, sex offense, or an escape; or
- Is driving under the influence.
- The pursuit is necessary to identify or apprehend the person.
- The person poses an imminent threat to the safety of others.
- The safety risks of failing to apprehend or identify the person are considered greater than the safety risks associated with engaging in a pursuit.

The bill also requires the officer to receive authorization and oversight from a supervisor (or on-call supervisor in jurisdictions with fewer than fifteen commissioned officers) to engage in a vehicular pursuit. Officers must take emergency vehicle operator training that includes risk analysis. Signed by Governor May 3rd. Effective date 5/3/2023.

PLANNING & HOUSING

The Washington Legislature passed several land use bills during the 2023 legislative session intended to encourage housing development by requiring cities to allow additional housing density in residential zones and streamlining permit processes. The City of Camas will be limited

in its ability to zone exclusively for single-family dwellings and will need to update its land use regulations to comply with new legislative requirements.

House Bill 1110 - Increasing middle housing in areas traditionally dedicated to single-family detached housing.

This bill includes requirements for cities and counties to allow middle housing in areas traditionally zoned for single-family dwellings. The requirements vary based on city population. For cities with populations between 25,000 and 75,000 (including the City of Camas), the following must be allowed:

- (1) at least two units per lot on all lots zoned for residential use;
- (2) at least four units per lot on residential lots within ¼ mile of major transit stops (there are no “major transit stops” within the City of Camas); and
- (3) at least four units per lot if at least one unit is affordable housing.

The bill essentially eliminates the City’s ability to zone exclusively for single-family dwellings by requiring that at least two units be allowed on each residential lot. The bill does not prohibit the City from continuing to allow single-family dwellings and does not prohibit new single-family neighborhoods. The City will be required to update its development regulations to be in compliance with this bill by December 2025.

The goal of House Bill 1110 is to increase “middle housing” in areas that are traditionally dedicated to single-family detached housing. “Middle housing” is defined as “buildings that are compatible in scale, form, and character with single-family homes and contain two or more homes . . . including duplexes, triplexes, fourplexes, etc.” H.B. 1110, 68th Leg., Reg. Sess. (Wa. 2023).

To increase “middle housing,” H.B. 1110 requires cities to amend their ordinances, zoning regulations, and development regulations to meet certain requirements; these requirements differ based on the city's population size. The population of Camas is 27,250; under H.B. 1110, if the population of a city is between 25,000 and 75,000, the city must authorize the development of the following: (1) at least two units per lot on all lots zoned for residential use; (2) at least four units per lot on residential lots within ¼ mile of major transit stops; and (3) at least four units per lot if at least one unit is affordable housing. Wash. H.B. 1110.

House Bill 1110 also requires “objective development and design standards of middle housing that do not allow personal or subjective judgment.” It requires that these standards be no more restrictive than those for single-family housing. *Id.*

Cities must comply with the requirements of H.B. 1110 six months after its next periodic comprehensive plan update required under RCW 36.70A.130. Camas’s next periodic update is due by June 31, 2025. The bill directs the Department of Commerce to provide technical assistance to cities implementing these requirements and to develop a model ordinance. If any city has not implemented the middle housing requirements of this bill by their required deadlines, the model ordinance will supersede, preempt, and invalidate local development regulations.

House Bill 1337 - Expanding housing options by easing barriers to the construction and use of accessory dwelling units.

The City of Camas already allows accessory dwelling units (ADUs) throughout its residential zones, but this bill will place additional requirements on the City to make it easier for ADUs to be developed. The most significant impact of this bill is that it will require cities to allow at least two ADUs on all lots that allow for single-family homes in the following configurations:

- one attached ADU and one detached ADU,

- two attached ADUs, or
- two detached ADUs, which may be comprised of either one or two detached structures;

Additionally, this bill restricts cities from imposing an owner-occupancy requirement or imposing setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for single-family dwellings.

House Bill 1337 requires cities to allow accessory dwelling units (ADUs) and prohibits certain ADU regulations. An "accessory dwelling unit (ADU)" is defined as a "dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit." H.B. 1337, 68th Leg., Reg. Sess. (Wa. 2023).

Under House Bill 1337, the City of Camas must amend its ordinances, zoning regulations, and development regulations to allow for at least two accessory dwelling units, attached or detached, on all lots zoned for single-family housing. *Id.* The City must also amend its zoning regulations to comply with the following policies: (1) limits on minimum lot size, floor area, and roof height requirements for ADUs, (2) limits on off-street parking requirements, and (3) limits on impact fees for ADUs to 50% of fees imposed on the principal unit. *Id.*

The City is prohibited from imposing "setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements" or other design review regulations on accessory dwelling units that are more restrictive than those for principal unit. However, the following regulations on ADUs are acceptable: (1) restrictions on the use of ADUs for short-term rentals; (2) public health, safety, building code, and environmental permitting requirements, (3) generally applicable development regulations; and (4) restrictions on the construction of ADUs on lots that are not connected to or served by public sewers. *Id.*

Like H.B. 1110, the requirements of H.B. 1337 must take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130. Camas's next periodic update is due by June 31, 2025. If the City has not implemented the ADU requirements to comply with H.B. 1337, the model ordinance supersedes, preempts, and invalidates any conflicting local development regulations.

House Bill 1110 and House Bill 1337 will affect the City of Camas by requiring the City to amend its ordinances, zoning regulations, and development regulations. House Bill 1110 will require the City to amend its zoning regulations to allow for higher density. House Bill 1337 will require the City to amend its zoning regulations to allow for ADUs and restrict the City's ability to regulate ADUs. Both bills limit the local government's power to zone exclusively for single-family residential housing

House Bill 1293 - Streamlining development regulations.

This bill requires that cities may only apply clear and objective development regulations governing the exterior design of new development. Design review must also be conducted concurrently, or otherwise logically integrated, with the consolidated review and process for project permits.

This will would still allow the City to maintain strict design requirements and even maintain its design review committee, however, it will require some overhaul of our existing design review process to ensure that any subjective design standards are removed.

This bill had overwhelming bipartisan support with unanimous approval in the Senate and only one nay vote in the House.

House Bill 1042 - Concerning the use of existing buildings for residential purposes.

This bill streamlines the conversion of existing commercial or mixed-use buildings into residential units by prohibiting cities from imposing certain restrictions or requirements on such conversion. Some restrictions on cities include limiting the number of units (must allow up to 50% more than allowed in the underlying zone), requiring additional parking, imposing certain design requirements or setback requirements, and imposing new energy code requirements on unchanged parts of an existing building.

This bill could encourage commercial to residential conversions in downtown Camas. This bill also had overwhelming bipartisan support with unanimous approval in the House and three nay votes in the Senate.

House Bill 1181 - Improving the state's response to climate change by updating the state's planning framework.

This bill updated the Growth Management Act (GMA) by adding a new climate change and resiliency goal and requiring that local comprehensive plans support the state's overall greenhouse gas emissions reduction goals and per capita vehicle miles traveled goals.

The City's next comprehensive plan update will be required to include various climate-related provisions, including a climate change and resiliency element. The element must be designed to result in reductions in overall greenhouse gas emissions and must enhance resiliency to, and avoid the adverse impacts of, climate change, which must include efforts to reduce localized greenhouse gas emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities.

Senate Bill 5058 - Exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building.

This bill deals with building code requirements, not land use regulations. New multiunit residential buildings with 12 or fewer units that are no more than two stories in height would no longer be subject to the same code requirements as other multifamily buildings and would instead be subject to the lesser requirements for single-family dwellings or townhouses. This bill obtained unanimous approval from the legislature.

TRANSPORTATION

Several city priorities were included in this year's budget. Among items of note for cities are:

- \$287 million for the Transportation Improvement Board, upholding preservation and maintenance commitments made in the Move Ahead package and funding for the Small City Pavement and Sidewalk program and Complete Streets grants.
- 70.8 million for Safe Routes to Schools Grants.
- 72.2 million for Bicycle and Pedestrian Safety Programs and Grants.
- \$25 million for federal fund exchange pilot program of Transportation Block Grant population funding and state funds.
- \$250,000 for a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state (funded by cities' portion of state gas tax revenues).
- \$11.8 million for trucking parking, including a directive to both WSDOT and the Freight Mobility Strategic Investment Board to coordinate with local jurisdictions to recommend and identify new truck parking sites and an implementation plan.

HB 1004

Installing signs on or near bridges to provide information to deter jumping.

Law; effective July 23, 2023.

HB 1084

Concerning freight mobility prioritization.

Law; effective July 23, 2023.

HB 1125

Making transportation appropriations for the 2023-2025 fiscal biennium.

Gov. signed with partial veto. Effective May 16, 2023.

HB 1243

Concerning municipal airport commissions.

Law; effective July 23, 2023.

HB 1791

Studying the need for increased commercial aviation services.

Gov. signed with partial veto. Effective July 23, 2023.

HB 1838

Transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council.

Law; effective July 23, 2023

SB 5452

[Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities.](#)

This Bill can be helpful for City's as it provides another funding source for bicycle and pedestrian facilities. The legislation allows for the costs of bike and pedestrian facilities to be included in the Traffic Impact Fee (TIF) - of which there are pros and cons. The ability to use TIF for bike and ped facilities is an obvious benefit as previously TIF was limited to roadway improvements. However, the TIF in Camas, as in most cities, has typically been set by Council at an artificially lower rate than the maximum allowable (policy decision) that does not keep up with the large amounts of capital projects that are needed to serve the community. Adding bike and ped facilities to the list of needs and the TIF calculation will only increase the maximum allowable amount. Establishing a new TIF rate is a policy decision that will be coming to the Council in the next few months.

Law; effective July 23, 2023

PUBLIC WORKS

HB 1329 - Preventing utility shutoffs for nonpayment during extreme heat.

A publicly-owned electric company or water company may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the

area in which the residential user's address is located. The utility must inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

Upon receipt of a request to reconnect service, a utility must promptly make a reasonable attempt to reconnect service to the dwelling. A utility, in connection with a request to reconnect service, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If a utility requires the residential user to enter into a repayment plan, the repayment plan must comply with the following requirements:

- a repayment plan required by a utility will be designed both to pay the past due bill by the following May 15, or as soon as possible after May 15 if needed to maintain monthly payments that are no greater than 6 percent of the customer's monthly income, and to pay for continued utility service;
- the plan may not require monthly payments in excess of 6 percent of the customer's monthly income;
- a customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than 6 percent of the customer's monthly income; and
- if assistance payments are received by the customer subsequent to implementation of the plan, the customer must contact the utility to reformulate the plan.

HB 1326 - Waiving municipal utility connection charges for certain properties.

Cities are authorized to establish, by ordinance, a program to waive connection charges for connecting to a city water and sewerage system for properties owned or developed by, or on the behalf of, a nonprofit organization, housing authority, or local agency that provides emergency shelter, transitional housing, permanent supportive housing, or affordable housing. Any waived connection charges must be funded using general funds, grant dollars, or other identified revenue stream. If a property that received a waiver is no longer eligible for a waiver, any waived connection charges become immediately due and payable as a condition of continued service. A facility provides emergency shelter if its sole purpose is to provide temporary shelter to the homeless and does not require a lease or occupancy agreement. Housing is affordable if the monthly costs for the housing, including non-telephone utilities, do not exceed 30 percent of the monthly income of a household with income of: 60 percent of the median income of the county in which the household is located for rental housing; and

- 80 percent of the median income of the county in which the household is located for owner-occupied housing.
- Permanent supportive housing is subsidized, leased housing with no limit on the length of stay that prioritizes people at risk of, or currently experiencing, homelessness and who need support services to retain tenancy.

It uses lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing and is paired with support services for disabling behavioral health or physical health conditions.

Transitional housing provides housing and supportive services to homeless persons or families for up to two years, with the goal of moving homeless persons and families into independent living.

PARKS

EHB 1086 – Community Organization Contracts: Increasing local governments' ability to contract with community service organizations.

In general, public works contracts in Washington are subject to competitive bidding. In some circumstances, however, projects are exempt from competitive bidding requirements altogether. One such exemption allows counties, cities, school districts, park districts, or port districts to contract with community service organizations for certain local improvement projects. Bill updated yearly total payment made to community service organizations under this exemption from not to exceed the greater of \$25K or \$2 per resident to not to exceed the greater of \$75K or \$2 per resident.

[HB 1750 - Promoting water safety education.](#)

May 15 is recognized as Water Safety Day, on which individuals who work directly with children from infants to age 18 in their profession are encouraged to provide training, educational materials, and other resources to the children and their families around water safety, water rescue, and drowning prevention. Water Safety Day is not designated as a paid state legal holiday.

[E2SSB 5001 – Public facility districts: Concerning public facility districts created by at least two city or county legislative authorities.](#)

A public facilities district (PFD) is a municipal corporation with independent taxing authority and is a taxing district under the State Constitution. The legislative authority of two or more contiguous towns or cities, or the legislative authority of two or more contiguous towns or cities and the legislative authority of the county or counties in which the towns or cities are located, each of which participated in the creation of a PFD, may create an additional PFD. This PFD must be created prior to July 1, 2026. The creation of this PFD does not require all of the original participating towns, cities, or counties that previously created a PFD to participate in the formation of the new PFD. Any previously created district may continue its full corporate existence and activities notwithstanding the creation and existence of an additional district within the same geographic area. The PFD is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate regional aquatics and sports facilities, including the purchase, acquisition, construction, repairing, remodeling, and operation of community pools within the district.