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ENGROSSED HOUSE BILL 1471

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Santos, Harris-Talley, and Lekanoff

Read first time 02/03/21. Referred to Committee on Community & Economic Development.

1 AN ACT Relating to community preservation and development  
2 authorities; and amending RCW 43.167.003 and 43.167.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.167.003 and 2019 c 447 s 3 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Community" means a group of people who reside or work in the  
9 geographic area established by the community preservation and  
10 development authority board or the proposal to create the authority  
11 and who currently or historically share a distinct cultural identity  
12 or local history.

13 (2) "Community preservation and development authority" or  
14 "authority" means (~~(an authority)~~) a public body corporate and  
15 politic and instrumentality of the state of Washington created by  
16 members of an impacted community.

17 (3) "Constituency" means the general membership of the community  
18 preservation and development authority, which membership must be open  
19 to all persons eighteen years of age and over who are residents,  
20 property owners, employees, or business persons within the geographic

1 boundaries established by the authority or the proposal to create the  
2 authority.

3 (4) "Impacted community" means a community that has been  
4 adversely impacted by the construction of, or ongoing operation of,  
5 multiple major public facilities, public works, and capital projects  
6 with significant public funding or by other land use decisions.

7 (5) "Major public facilities project, public works project, or  
8 capital project with significant public funding" means any capital  
9 project whose total cost exceeds ten million dollars. On July 1,  
10 2019, and on July 1st of each odd-numbered year thereafter, the  
11 capital project cost threshold must be adjusted by the capital  
12 project cost adjustment factor for inflation established by the  
13 office of financial management.

14 **Sec. 2.** RCW 43.167.010 and 2019 c 447 s 4 are each amended to  
15 read as follows:

16 (1) The residents, property owners, employees, or business owners  
17 of an impacted community may propose formation of a community  
18 preservation and development authority. The proposal to form a  
19 community preservation and development authority must be presented in  
20 writing to the appropriate legislative committee in both the house of  
21 representatives and the senate. The proposal must contain proposed  
22 general geographic boundaries that will be used to define the  
23 community for the purposes of the authority. Proposals presented  
24 after January 1, 2020, must identify in its proposal one or more  
25 stable revenue sources that (a) have a nexus with the multiple  
26 publicly funded facilities or other land use decisions that have  
27 adversely impacted the community, and (b) can be used to support  
28 future operating or capital projects that will be identified in the  
29 strategic plan required under RCW 43.167.030.

30 (2) Formation of the community preservation and development  
31 authority is subject to legislative authorization by statute. The  
32 legislature must find that (a) the area within the proposal's  
33 geographic boundaries meets the definition of "impacted community"  
34 contained in RCW 43.167.003(4) and (b) those persons that have  
35 brought forth the proposal are members of the community as defined in  
36 RCW 43.167.003(1) and, if the authority were approved, would meet the  
37 definition of constituency contained in RCW 43.167.003(3). For  
38 proposals brought after January 1, 2020, the legislature must also  
39 find that the community has identified one or more stable revenue

1 sources as required in subsection (1) of this section. The  
2 legislature may then act to authorize the establishment of the  
3 community preservation and development authority in law.

4 (3) The affairs of a community preservation and development  
5 authority shall be managed by a board of directors, consisting of the  
6 following members:

7 (a) Two members who own, operate, or represent businesses within  
8 the community;

9 (b) Two members who reside in the community;

10 (c) Two members who are involved in providing nonprofit community  
11 or social services within the community;

12 (d) Two members who are involved in the arts and entertainment  
13 within the community;

14 (e) Two members with knowledge of the community's culture and  
15 history;

16 (f) One member who is involved in a nonprofit or public planning  
17 organization that directly serves the impacted community; and

18 (g) Two representatives of the local legislative authority or  
19 authorities, as ex officio members.

20 (4) No member of the board shall hold office for more than  
21 (~~four~~) six years. Board positions shall be numbered one through  
22 nine, and the terms staggered as follows:

23 (a) Board members elected to positions one through five shall  
24 serve (~~two-year~~) three-year terms, and if reelected, may serve no  
25 more than one additional (~~two-year~~) three-year term.

26 (b) Board members initially elected to positions six through  
27 thirteen shall serve a (~~three-year~~) two-year term (~~only~~), and if  
28 reelected, may serve no more than one additional three-year term.

29 (c) Board members elected to positions six through thirteen after  
30 the (~~initial three-year term~~) initially elected members shall serve  
31 (~~two-year~~) three-year terms, and if reelected, may serve no more  
32 than one additional (~~two-year~~) three-year term.

33 (5) With respect to an authority's initial board of directors:  
34 The state legislative delegation and those proposing formation of the  
35 authority shall jointly establish a committee to select the members  
36 of the initial board of directors once the authority has received  
37 legislative approval as established in subsection (2) of this  
38 section. For the purpose of identifying those persons who meet the  
39 criteria in subsection (3)(a) through (e) of this section, community

1 shall mean the proposed geographic boundaries as set out in the  
2 proposal.

3 (6) With respect to subsequent elections of an authority's board  
4 of directors: A list of candidates shall be developed by the  
5 authority's existing board of directors and the election shall be  
6 held during the annual local town hall meeting as required in RCW  
7 43.167.030.

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