
SUBSTITUTE SENATE BILL 5679

State of Washington

66th Legislature

2020 Regular Session

By Senate Local Government (originally sponsored by Senators Hasegawa, Conway, and Darneille)

READ FIRST TIME 01/29/20.

1 AN ACT Relating to local government responsibility and
2 accountability in mitigating impacts of public facilities on certain
3 surrounding neighborhoods with high poverty and concentrations of
4 persons of color; and amending RCW 35.21.970.

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

6 **Sec. 1.** RCW 35.21.970 and 2019 c 375 s 1 are each amended to
7 read as follows:

8 (1) A city with a population of more than five hundred fifty
9 thousand that permits a public facility to be constructed or operated
10 by another local government agency, transit authority, or public
11 facility district in a neighborhood with a high poverty level and a
12 high rate of ethnic diversity (~~(shall formally request that the~~
13 ~~entity that is constructing or is operating the public facility~~
14 ~~assess and mitigate the negative impacts that the facility has had on~~
15 ~~parking in the surrounding neighborhood)~~ must assume the
16 responsibility for the negative impacts that facility has had or
17 might have on the surrounding neighborhood. The (~~(entity operating or~~
18 ~~constructing the facility)~~) city must consider the potential or
19 actual disparate racial, social, and economic impacts of the public
20 facility on residents nearby and develop a mitigation plan, subject
21 to the requirements of subsection (2) of this section, which keeps

1 the residents of the impacted neighborhood whole for the costs of the
2 mitigation strategy, including paying for the costs of any
3 residential parking zone necessitated by the facility causing the
4 impact. The ~~((entity operating or constructing the facility))~~ city
5 may negotiate with other political subdivisions who have a direct
6 interest in having created the negative impacts, but the residents
7 must be held harmless.

8 (2) The mitigation plan is subject to the following requirements:

9 (a) The city must fully reimburse residents for the costs of any
10 permits, charges, or any other costs of the mitigation strategy,
11 including costs of any residential parking zone necessitated by the
12 facility causing the impact;

13 (b) The city may not add, increase, or establish any other fees
14 or costs to be incurred by the residents to mitigate the negative
15 impacts that the facility has had or might have on the surrounding
16 neighborhood; and

17 (c) Any established residential parking zone necessitated by the
18 facility causing the impact must be maintained in its current form,
19 including the issuance of new permits as provided under the existing
20 program.

21 (3) The city may seek reimbursement for costs reimbursed under
22 subsection (2)(a) of this section from the entity that is
23 constructing or operating the facility.

24 (4) For purposes of this section, neighborhood boundaries are
25 defined by the boundaries of community reporting areas, as
26 established in the most recent United States census.

27 ~~((3))~~ (5) For purposes of this section:

28 (a) "Public facility" means a project that was completed by
29 December 31, 2014.

30 (b) A neighborhood has a high poverty level if twelve percent or
31 more of the population is below the poverty level according to the
32 most recent American community survey's five-year estimate.

33 (c) A neighborhood has a high rate of ethnic diversity if forty
34 percent or more of the population identifies as persons of color
35 according to the most recent American community survey's five-year
36 estimate.

37 (6) The city must implement the requirements of this section
38 within ninety days of the effective date of this section.

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