

Chapter 43.167 RCW
COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITIES

Sections

43.167.003	Definitions.
43.167.007	Purpose.
43.167.010	Formation—Board of directors.
43.167.020	Powers of authorities—Limitations.
43.167.030	Duties of authorities.
43.167.040	Community preservation and development authority account.
43.167.050	Role of state and local government agencies.
43.167.060	Pioneer Square-International district community preservation and development authority.
43.167.070	Central district community preservation and development authority.

RCW 43.167.003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

(3) "Constituency" means the general membership of the community preservation and development authority, which membership must be open to all persons eighteen years of age and over who are residents, property owners, employees, or business persons within the geographic boundaries established by the authority or the proposal to create the authority.

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

(5) "Major public facilities project, public works project, or capital project with significant public funding" means any capital project whose total cost exceeds ten million dollars. On July 1, 2019, and on July 1st of each odd-numbered year thereafter, the capital project cost threshold must be adjusted by the capital project cost adjustment factor for inflation established by the office of financial management. [2021 c 47 s 1; 2019 c 447 s 3.]

Findings—2019 c 447: See note following RCW 43.167.007.

RCW 43.167.007 Purpose. (1) Community preservation and development authorities are hereby created to restore or enhance the health, safety, and economic well-being of communities adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding or by other land use decisions.

(2) Community preservation and development authorities must have one or more of the following purposes:

(a) To revitalize, enhance, and preserve the unique character of impacted communities;

(b) To mitigate the adverse effects of multiple major public facilities projects, public works projects, or capital projects with significant public funding, a secure community transition facility as defined in RCW 71.09.020, or other land use decisions;

(c) To restore a local area's sense of community;

(d) To reduce the displacement of community members and businesses;

(e) To stimulate the community's economic vitality;

(f) To enhance public service provisions;

(g) To improve the standard of living of community members; or

(h) To preserve historic buildings or areas by returning them to economically productive uses that are compatible with or enhance their historic character. [2019 c 447 s 2.]

Findings—2019 c 447: "The legislature finds that:

(1) Both state and local land use actions, such as the siting of major public facilities, public works, and capital projects with significant public funding, and other land use decisions, generally aim to accrue broad benefits to the people of Washington and local communities.

(2) The local stakeholder community which bears the disproportionate costs of such a land use decision by absorbing the deleterious impacts of the decision are often overlooked or inadequately addressed. These impacts may include dislocation, displacement, and the overall disintegration of an identifiable existing community and its historical and cultural character.

(3) The preservation and restoration of the character of such a community, and the community's historical and cultural character, are important public policy goals that can be achieved through the creation of community preservation and development authorities." [2019 c 447 s 1.]

RCW 43.167.010 Formation—Board of directors. (1) The residents, property owners, employees, or business owners of an impacted community may propose formation of a community preservation and development authority. The proposal to form a community preservation and development authority must be presented in writing to the appropriate legislative committee in both the house of representatives and the senate. The proposal must contain proposed general geographic boundaries that will be used to define the community for the purposes of the authority. Proposals presented after January 1, 2020, must identify in its proposal one or more stable revenue sources that (a) have a nexus with the multiple publicly funded facilities or other land use decisions that have adversely impacted the community, and (b) can be used to support future operating or capital projects that will be identified in the strategic plan required under RCW 43.167.030.

(2) Formation of the community preservation and development authority is subject to legislative authorization by statute. The legislature must find that (a) the area within the proposal's geographic boundaries meets the definition of "impacted community"

contained in RCW 43.167.003(4) and (b) those persons that have brought forth the proposal are members of the community as defined in RCW 43.167.003(1) and, if the authority were approved, would meet the definition of constituency contained in RCW 43.167.003(3). For proposals brought after January 1, 2020, the legislature must also find that the community has identified one or more stable revenue sources as required in subsection (1) of this section. The legislature may then act to authorize the establishment of the community preservation and development authority in law.

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

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

(b) Two members who reside in the community;

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

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

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

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

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

(4) No member of the board shall hold office for more than six years. Board positions shall be numbered one through nine [thirteen], and the terms staggered as follows:

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

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

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

(5) With respect to an authority's initial board of directors: The state legislative delegation and those proposing formation of the authority shall jointly establish a committee to select the members of the initial board of directors once the authority has received legislative approval as established in subsection (2) of this section. For the purpose of identifying those persons who meet the criteria in subsection (3)(a) through (e) of this section, community shall mean the proposed geographic boundaries as set out in the proposal.

(6) With respect to subsequent elections of an authority's board of directors: A list of candidates shall be developed by the authority's existing board of directors and the election shall be held during the annual local town hall meeting as required in RCW 43.167.030. [2021 c 47 s 2; 2019 c 447 s 4; 2009 c 516 s 1; 2007 c 501 s 3.]

Findings—2019 c 447: See note following RCW 43.167.007.

RCW 43.167.020 Powers of authorities—Limitations. (Effective until January 1, 2026.) (1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities;

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement the purposes and duties of an authority;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, lease, and sell real and personal property;

(e) Hold in trust, improve, and develop land;

(f) Invest, deposit, and reinvest its funds;

(g) Incur debt in furtherance of its mission; and

(h) Lend its funds, property, credit, or services for corporate purposes.

(2) A community preservation and development authority has no power of eminent domain nor any power to levy taxes or special assessments.

(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 42.17A.550; and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee. [2011 c 60 s 40; 2009 c 516 s 2; 2007 c 501 s 4.]

Effective date—2011 c 60: See RCW 42.17A.919.

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(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 29B.40.250; and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee. [2024 c 164 s 526; 2011 c 60 s 40; 2009 c 516 s 2; 2007 c 501 s 4.]

~~Intent—Construction—Rules remain valid—Effective date—2024 c 164:~~ See notes following RCW 29B.10.010.

~~Effective date—2011 c 60:~~ See note following RCW 29B.20.030.

RCW 43.167.030 Duties of authorities. A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to restore and promote the health, safety, and economic well-being of the impacted community and to restore and preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components;

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to carry out projects identified in the strategic plan including, but not limited to, those that: (a) Enhance public safety; (b) reduce community blight; and (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs. [2009 c 516 s 3; 2007 c 501 s 5.]

RCW 43.167.040 Community preservation and development authority account. The community preservation and development authority account is created in the state treasury. The account is composed of two subaccounts, one for moneys to be appropriated for operating purposes, and the other for moneys to be appropriated for capital purposes. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for projects under this chapter. [2007 c 501 s 7.]

RCW 43.167.050 Role of state and local government agencies.

Prior to making siting, design, and construction decisions for future major public facilities, public works projects, or capital projects with significant public funding, state and local government agencies may:

(1) Communicate and consult with the community preservation and development authority and impacted community, including assessing the compatibility of the proposed project with the strategic plan adopted by the authority; and

(2) Make reasonable efforts to ensure that negative, cumulative effects of multiple projects upon the impacted community are minimized. [2007 c 501 s 8.]

RCW 43.167.060 Pioneer Square-International district community preservation and development authority. The legislature authorizes the establishment of the Pioneer Square-International district community preservation and development authority, which boundaries are those contained in the Pioneer Square-International district within the city of Seattle. [2007 c 501 s 6.]

RCW 43.167.070 Central district community preservation and development authority. (1) The legislature finds that the Central district is identified as the oldest surviving residential neighborhood in Seattle where, historically, residents who faced housing and economic discrimination elsewhere in the city could settle and raise families, resulting in a richly diverse multicultural community. The legislature also finds that the Central district is widely recognized as the historical center of the Seattle African American community which is reflected in the historic buildings, institutions, and culture of the neighborhood. The legislature further finds that the Central district has been adversely impacted by public works, capital projects with significant public funding, and other land use decisions which have contributed to dislocation, displacement, and the disintegration of an identifiable existing community and its historical and cultural character. In addition, the legislature finds that members of the community who meet the definition of constituency contained in RCW 43.167.003(3) have submitted a proposal to form a community preservation and development authority to preserve, restore, and enhance the unique, history, culture, and character of the Central district.

(2) The legislature authorizes the establishment of the Central district community preservation and development authority, which boundaries are those contained in the Central district within the city of Seattle, to preserve the unique character and history of the area pursuant to RCW 43.167.007. [2019 c 447 s 5.]