



February 2023 Advocacy Newsletter Week 8 Session Update

LEGISLATIVE SESSION REPORT

Washington's State Legislature is back in person and moving through the long 105 day session at an effective pace. This year there have been well over 1,500 bills introduced so far. While the legislation in Olympia covers a wide variety of issues, the bills this year seem to be heavily focused on a few key priorities: addressing the housing shortage, creating the biennial budget, criminal justice reform, nurse staffing, and climate change.

Housing supply and affordability remains an top priority. As we approach the end of week 8, a number of bills pertaining to the creation of housing in the form of ADUs and use of existing buildings have been the first to be voted off Floor. These bills have seen broad bipartisan support, signaling a legislative body united in addressing the housing crisis in our state.

Your Feedback is Critical

The following pages provide an overview of the work AIA|WA is doing during this year's legislative session. If you have questions, comments, or if you would like us more information, please let **Samantha** know.

Session Milestones

The legislative calendar has passed its first two cut-off deadlines: bills that failed to pass out of their policy committees by Feb. 17 are dead for the year, as are bills that did not pass out of their fiscal committees by Feb. 24. At this time all bills must be in one of three places:

1. In the house of origin Rules Committee which determines which bills make it to the house of origin floor for a vote;
2. On the schedule for a floor vote in the house of origin; or
3. In the second house having passed out of the house of origin.



Climate Legislation

Embodied Carbon

AIA has prioritized embodied carbon legislation for many years. This year, we were excited to support “Build Clean” ([HB 1342/ SB 5391](#)) as a vehicle to finally get this legislation over the finish line. Unfortunately, both bills failed to receive a vote in their respective committees and are dead for the year. The bill would have assessed all life cycle stages of a project and measured embodied carbon reductions of a structure at the project level. Though this legislation did not gain enough traction to advance this year, the authors and stakeholders are working with legislators to hopefully implement some important aspects of the bill into another piece of embodied carbon legislation making its way through the Legislature.

[HB 1282](#) by Rep. Davina Duerr is currently in the House Rules Committee. The bill, better known as “Buy Clean Buy Fair”, requires firms selected by state agencies and institutions of higher education for large construction or building renovation contracts to report Environmental Product Declarations (EPDs), Health Product Declarations, working conditions, and other data. Additionally, the legislation directs the Department of Commerce to continue the development of a public database for the reported data as well as establishes the “Buy Clean Buy Fair” workgroup. This aims to promote sustainable practices in the construction industry and improve working conditions for employees. As mentioned above, the “Build Clean” stakeholders are working with this group to incorporate some aspects of their bill. AIA supports this bill and will continue working with our Climate Committee to offer feedback as needed.



R- PACER

[SB 5312](#) by Sen. Liz Lovelett did not receive a vote in the Senate Local Government, Land Use & Tribal Affairs committee and is dead for the year. Supported by AIA, it would have encouraged the installation of renewable energy systems and energy efficiency improvements to residential properties by allowing property owners to finance the up-front costs through a capital provider and then pay the costs back over time through a property assessment. The prime sponsor chose to hold the bill from advancing, expressing a desire to do more research and engage with stakeholders to reach consensus on bill language. This bill is very likely to return next session, hopefully with more robust support.

Energy Scoring

Rep. Davina Duerr’s Energy Scoring legislation is still alive this session and has passed off of the House floor awaiting a chance to be heard in the Senate. [HB 1433](#) lays out a path to standardized residential energy reports by directing the Department of Commerce to adopt the Home Energy Score by the US Department of Energy as the primary performance scoring system to evaluate energy efficiency and relative greenhouse gas emissions of a building.

Navigator

[HB 1391](#) creates a statewide building energy upgrade navigator program. Introduced by Rep. Alex Ramel, this bill would help communities access incentive programs and clean energy funding through a central hub for energy efficiency, electrification programs, and funding. The “Navigator” would also connect communities to certified installers and energy auditors, prioritizing women and minority owned contractors, as well as provide community outreach and education, targeted to pollution- overburdened communities. This bill passed off of the House Floor and is moving on to the Senate.

Livability + Affordability Legislation

AIA advocates for the benefits of robust local and regional planning, tracking issues relating to affordable housing, transportation, housing supply, protection of the Growth Management Act, and related issues.

Existing Buildings

In 2023, a top priority for legislators is addressing the housing crisis in our state. **HB 1042**, introduced by Rep. Amy Walen, aims to make it easier to convert existing buildings to housing by prohibiting cities from imposing certain restriction requirements on new housing units within an existing building that is located in a zone that permits multifamily housing. AIA proposed an exception for structures on the historical register which made it into the substitute House bill. This was the first of our priorities to advance this session, passing off of the House floor with unanimous support.

Streamlining Development Regulations

HB 1293, sponsored by Rep. Mark Klicker, requires counties and cities planning under the Growth Management Act to apply only clear and objective design review standards to the exterior of new development. The goal of this bill is not to prohibit design review, but to ensure it is an objective process. Proponents state this bill streamlines housing permit processing and reduces housing development costs. Additionally, this legislation allows an exemption from additional SEPA review if the project is consistent with prior environmental reviews. It should be noted that it does not prohibit SEPA challenges, just requires them to be handled earlier when the local jurisdiction is adopting or amending their comprehensive plan. This bill passed out of the House with broad bipartisan support.



Increasing ADU Availability

SB 5235, sponsored by Sharon Shewmake, requires cities and counties fully planning under the Growth Management Act to allow for the construction of ADUs within urban growth areas (UGAs), and prohibits such cities and counties from imposing certain ADU regulation, by the time of their next comprehensive plan update. Additionally, cities and counties can offer incentives for ADU construction. This bill passed off the Senate floor with bipartisan support and is scheduled for a public hearing in the House on March 9.

Missing Middle Housing

HB 1110: This session the conversation surrounding housing supply and the “missing middle” has gained significant momentum. This legislation, introduced by Rep. Jessica Bateman, requires cities with a population of at least 6,000 or a city near an urban growth area with a population of more than 200,000 to increase density in residential areas typically dedicated to single-family detached housing. Though the Senate companion failed to make it out of committee in time for cut off, the House version is moving forward this legislative session. This bill now sits in House Rules awaiting further consideration. Discussions around HB 1110 are ongoing, so we expect to see a lively debate should it be pulled to the floor.

Livability + Affordability Legislation, cont.

Residential Regulations

HB 1167, sponsored by Rep. Davina Duerr, is focused on multi-dwelling housing. It requires Department of Commerce to develop and administer a grant program to assist counties and cities to adopt preapproved middle housing plans, directs the State Building Code Council to convene a work group to recommend needed changes to apply the IRC to multiplex housing, and prohibits a city or county from imposing any regulations, reviews, or standards on multiplex housing that is not applied to detached family residences. While AIA is in support of the intent of this bill, we did meet with the prime sponsor to share concerns regarding the stock plan language. Rep. Duerr was supportive of on an amendment that would remove this language. Currently, HB 1167 is in the House Rules committee awaiting a chance to be heard on the floor.



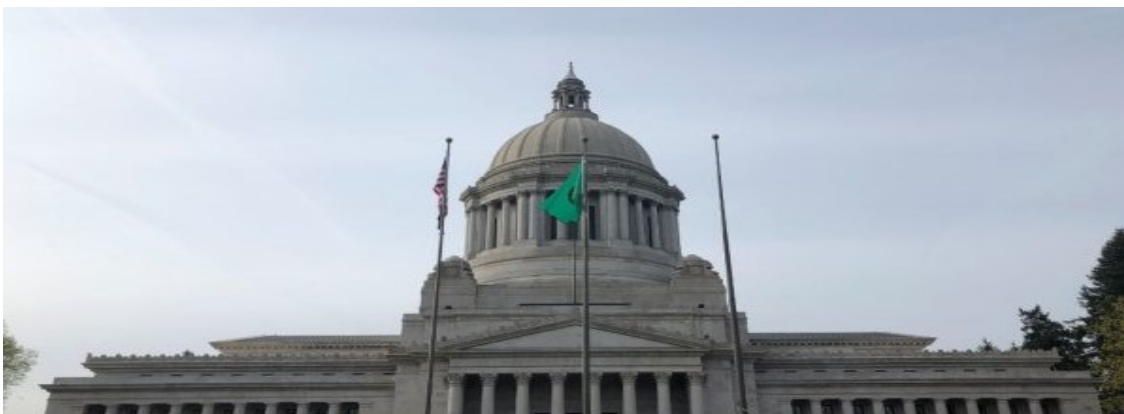
Practice Issues

Licensing

HB 1009 by Rep. Mari Leavitt would expedite the licensing of military spouses due to military reassignment within 30 days of application if they have an active license from another state. While AIA is supportive of the intent of this bill, we are pushing hard for the return of reciprocity language which safeguards the quality of our licensing process. This bill passed off of the House floor without this language, so we will work with members in the Senate to get an amendment as the bill moves forward.

Design Review

HB 1026: This legislation, sponsored by Representative Walen, requires any design review of housing development permit applications to be conducted administratively by local government employees. AIA's suggestions for historic structures have been incorporated in the substitute version that passed out of committee on January 19th. This bill continues to sit in Rules.



Taxes, Budget, & Education



The release of the revenue forecast is expected in March. Once made public, the House and Senate will release their respective Capital, Operating, and Transportation budget proposals for the 2023-25 biennium. This year, the House is expected to release their budget first with the Senate following soon after. Once both chambers release their proposed budgets, robust negotiations will begin and continue for many weeks. As it stands, the biggest uncertainty as it relates to the state budget is the new capital gains tax currently being collected by the state. This tax is expected to generate hundreds of millions of dollars to pay for things such as early learning and childcare. Currently, the capital gains tax is being challenged in the state Supreme Court. If the Supreme Court strikes down the tax, it will result in a substantial hole in the budget.

- ⇒ **Margin Tax:** **SB 5482**, introduced by Senator Frame, was the result of work done by the WA State Legislature Tax Structure Work Group. This “margin tax” would have converted Washington State’s current B&O tax structure into a gross receipts tax. Under this policy, businesses would be taxed on their margin, calculated as gross income minus one of four deductions. This bill was met with broad opposition, and will not advance this year. The prime sponsor indicated there was much work to be done in the interim on the legislation, so AIA continues to gather data from our member firms so we can weigh in when needed.
- ⇒ **REET tax:** **HB 1628** by Rep. Frank Chopp aims to increase affordable housing by modifying the state and local real estate excise tax (REET). The bill would establish a new threshold of \$5m in 2025, with the portion of the selling price above \$5m taxed at 4%. The bill would also allow a county or city to impose an additional REET up to 0.25% for the construction and support of affordable housing. Though this legislation did not pass out of the House Finance Committee by fiscal cutoff, it is possible that it may be considered necessary to implement the budget, and therefore is not officially dead.
- ⇒ **Allowance Auctions:** Last week, the Department of Ecology held its first quarterly allowance auction as established under the Climate Commitment Act. Regulated businesses with greenhouse gas emissions had an opportunity to purchase emissions allowances. The revenue generated through the quarterly auction process is anticipated to reach as much as \$1 billion per year. The results of the first auction will be posted on the Department of Ecology’s website on March 7th.
- ⇒ **Stock School Plans:** **SB 5343** by Senator Mark Schoesler sought to reduce the cost of school construction through the creation of a repository of exemplary school plans. AIA’s Education committee testified and submitted comments in opposition of this bill. We are also working with our committee and partners at AELC to draft a letter to share our opposition along with alternatives to lessen the costs of construction at the request of the co-sponsor. Due in large part to the hard work of our members, this bill failed to advance out of the policy committee and is dead for the year.



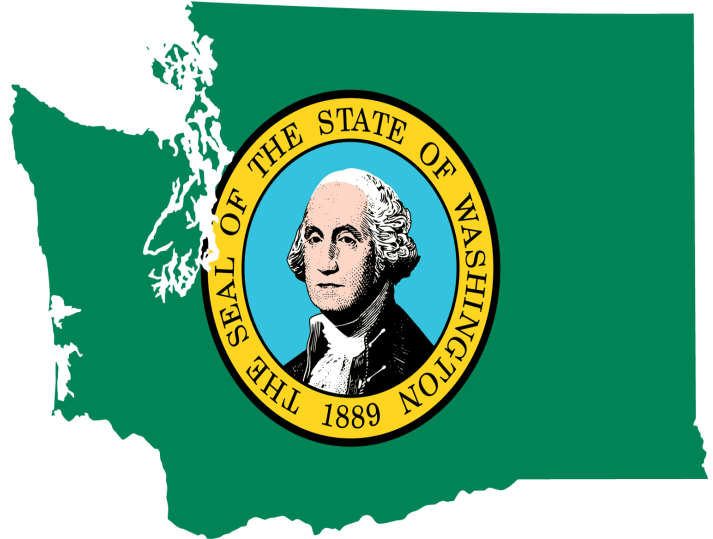
Race + Social Justice Legislation

AIA is once again tracking bills related to eviction, rent relief, housing discrimination, health disparities, criminal justice and other legal changes, and additional issues related to racial and social equity. While we are not able to directly lobby on many of these issues, our intent is to make them available to our members to be able to support individual bills and issues.

Here are a few bills we are currently monitoring:

- **HB 1167:** Focuses on the labor and income of incarcerated persons. This bill sets a minimum of what incarcerated persons shall be paid per hour as well as modifies deductions imposed. This bill is currently in the House Rules committee.
- **HB 1107:** The definition of "employment" in the context of unemployment insurance and the state paid family and medical leave program is modified by replacing "relationship of master and servant" with "any employment relationship." This bill passed out of the House with unanimous support.
- **SB 5171:** This bill focuses on eliminating the "pink tax" by addressing gender discrimination in consumer pricing. Currently, this sits in the House Rules committee.
- **HB 1574:** Increases access and representation in the policy making process for people with direct lived experience. This legislation is in the House Rules committee awaiting a chance to be heard on the floor.

If you would like to support any of these bills (or those on the larger list) by contacting your state legislators, let **Samantha** know and she can walk you through the process.



Contacting the Legislature

There are many ways to have an impact at the Legislature! If you are interested in weighing in on a specific bill, here are your options:

1. Email your legislators directly.
 - Email addresses can be found [here](#)
 - You can find out who your legislators are [here](#)
 - Remember to reference the bill number in your email
2. When a bill has a public hearing in committee, members of the public can register their option by:
 - Signing in pro, con, or other
 - Submitting written comments
 - Testifying before the committee via Zoom or in person

AIA can help you navigate all of these options. The first two are particularly easy and can be done via the Legislature's online form. You will need to know the bill number as well as the committee where it will be heard and the date of the hearing.



NCARB VOTES TO RETIRE ROLLING CLOCK

At NCARB's January 2023 board meeting, the directors voted unanimously to retire the rolling clock which put a five year expiration date on passed sections of the Architect Registration Exam (ARE). AIA was instrumental in advocating for this change nationally. This change goes into effect on April 30, 2023 in states where this requirement is not legally in place.

In NCARB's review of this barrier, it was determined that the rolling clock had a disproportionate effect on women and people from underrepresented racial and ethnic backgrounds. They discovered that this requirement creates a barrier in the system that doesn't take into account the responsibilities and pressures of family obligations, employment obligations and student debt burdens.

Washington's licensing regulations include the rolling clock and AIA Washington Council is working with our department of licensing to eliminate this barrier in our state.

PROSPEC 2023 Keynote Speaker- Lakisha Ann Woods

Lakisha Ann Woods,, CAE, is the Executive Vice President and Chief Executive Officer of the American Institute of Architects National. She will be presenting as the Keynote Speaker for PROSPEC 2023, hosted by the Constructions Specifications Institute, Puget Sound Chapter. She will share her thoughts about opportunities for collaboration in AEC fields, as well as supporting and diversifying professionals in these careers. The event will take place on March 7th. You can find more information [here](#).



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AIA Washington Council serves as the collective voice for and a resource on state government policies that impact the practice of architecture for all architects and the profession through AIA components in Washington State.

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