



## KEY POINTS

- Vesting provides clarity and certainty for building and development projects.
- Retroactive changes to GMA and zoning laws increase costs and liabilities for project owners and architects.
- These bills create uncertainty in the market, increasing costs.
- The inability to vest would work against the goals of the GMA by preventing needed development within growth areas.

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## SUPPORT PREDICTIBILITY IN WA'S VESTING LAWS

### Oppose HB 2234 and HB 2245 to Weaken Washington's Vesting Laws and Increase Construction Costs and Liabilities

*HB 2234 Sponsors: Rep. Fitzgibbon and Pollet*

*HB 2245 Sponsors: Rep. Ormsby, Riccelli, Ryu, and Pollet*

#### Background

Washington state laws on building codes and growth management include a provision that allows a project to be protected from future changes to the laws by allowing them to lock-in the laws under which a project must be completed. This process is called "vesting." In Washington, vesting occurs when a permit application is filed and certified as complete. This is the most appropriate time in a project to vest because designs and project plans are substantially complete and construction is often poised to begin when a permit application is filed.

#### Vesting Laws Provide Clarity and Predictability

Vesting projects provides owners, architects and building officials with clear and predictable guidelines for construction and development. The laws provide that when the documentation is submitted for a permit and the application is certified to be complete, the project is vested and the laws in effect on that date are applied.

Property owners spend time and money preparing to apply for permits to build structures or develop land. During the design process, it is the architect's responsibility to research the existing laws and be sure that the project conforms to these laws. There is no way for an architect to predict how laws may change in the future.

#### Would Create Chaos in the Construction Markets

HB 2234 and HB 2245 would create uncertainty in the market by effectively blocking projects until all Growth Management Act decisions and appeals are exhausted. GMA appeals can take years and wend their way all the way to the State Supreme Court.

These bills would result in project delays and projects being cancelled for the lack of predictability. That degree of unpredictability would be an unfair burden. It would fall on all homeowners, business owners, and developers working responsibly within the regulatory and statutory framework.

#### HB 2234 & HB 22456 Would Increase Architect Liability Costs

This lack of predictability would also create a huge liability concern for architects. Architects are responsible for ensuring that projects are designed to meet all applicable codes, laws, and regulations. If an architect's designs do not meet such standards, he or she can be held liable for the cost of changes to bring the project into compliance. This is a reasonable standard, provided that the laws are clear and are not changed after the designs are completed. Applying changes retroactively to completed designs creates an unreasonable burden on architects to predict the future.

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