



February 2021 Advocacy Newsletter

LEGISLATIVE SESSION REPORT

Washington's State Legislature is moving through this most unusual session at a slower but still effective pace. This year there have been about half of the number of bills introduced compared to a normal session due to the complexities of the virtual format. Those bills that have been introduced are primarily focused on the key priorities of the Democrats who control the Legislature: COVID-19 relief, budget, equity and criminal justice reform, and climate change.

COVID-19 relief and recovery remain an early priority. One of the first bills signed by Governor Inslee was **HB 1368**, which appropriates \$2.2 billion in federal funding that has been allocated to states in response to the ongoing crisis. This bill included \$714 million in assistance for K-12 schools and \$618 million for public health's response to COVID, including testing, investigation and contact tracing, and funding for vaccination efforts. The legislation took effect immediately.

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 **Kirsten** know.

You can view all of the bills AIA is tracking [here](#).

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. 15 are dead for the year, as are bills that did not pass out of their fiscal committees by Feb. 22. 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.

All bills must pass their house of origin by March 9 to continue.



Climate Legislation

Building Electrification

AIA's top climate priority, **HB 1084**, failed to receive a vote in the House Appropriations Committee and is dead for the year. The bill, Governor Inslee's Healthy Homes and Clean Buildings proposal, aimed to curb greenhouse gas emissions from homes and commercial buildings by escalating energy codes; allowing local governments to set stronger residential codes; extending the state's commercial energy performance program; requiring gas utilities to begin to decarbonize their operations; and correcting preferences for gas in state statute language. This was a ambitious bill and AIA will work with the bill's sponsors and stakeholders during the summer and fall to have a new version ready for the 2022 session.

HB 1280 by Rep. Alex Ramel (D-Bellingham/San Juans) is currently in the House Rules Committee. The bill would require additional energy evaluation criteria in the planning of major state-owned or leased facilities for both new construction and renovations. The bill would also mandate a consideration of greenhouse gas emissions in addition to energy consumption when evaluating new projects. AIA supports the bill.

HFCs/Refrigerants

HB 1050 by Rep. Joe Fitzgibbon (D-West Seattle) has passed the House and will move on to the Senate Environment & Energy Committee. It restricts the maximum global warming potential for hydrofluorocarbons (HFCs) used in new stationary air conditioning and stationary refrigeration. AIA supports the bill.



Embodied Carbon

HB 1103 by Rep. Davina Duerr (D-Bothell) also did not receive a vote in the House Appropriations Committee and is dead for the year. Supported by AIA, it would have required, over time, the disclosure of Environmental Product Declarations (EPDs) for materials used on large state projects and additional reporting on labor practices by the manufacturers of the materials used in the project. Over several years, this bill has fail to gain enough traction to pass it fully into state policy; stakeholders will need to regroup once again to find a pathway that legislators can support.

Greywater Reuse

HB 1184 by Rep. Davina Duerr would establish state standards for non-potable water reuse systems in buildings. Currently, such systems are being permitted on an exception basis by local governments. This bill has passed the House and will be sent to the Senate Environment & Energy Committee. AIA supports the bill.

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School Construction Funding

As in past years, the Legislature considered bills to lower the constitutional requirement for passing school bonds from a two-thirds vote of the public to a simple majority. These bills are aimed at more rural districts that often fall short of the two-thirds requirement and cannot build or renovate school facilities as a result. This year two bills were considered, one to lower the threshold to a simple majority (50% + 1) and another to lower it to 55%. Both failed to gain traction and are dead for the session.

These bills are difficult to pass because they require a constitutional amendment and therefore must be approved by two-thirds of the legislators in each body. In addition, there continues to be disagreement among legislators on the best threshold for voter approval. AIA was told by one senator that there is consensus around a 57% requirement, but a bill was not introduced at this level in 2021.

Climate Legislation, cont.

Although they do not directly impact the built environment, AIA also supports these climate bills:

SB 5126—Gov. Inslee’s Climate Commitment Act (sponsored by Sen. Reuven Carlyle D-Magnolia, Ballard) This bill establishes a cap-and-trade (called a “cap-and-invest”) program to gradually limit the state’s emissions and fund decarbonization efforts. The cap would cover large, stationary emitters that account for approximately 80% of statewide emissions. The cap decreases over time to meet state emission goals, so businesses must either find new ways to emit less and save money or buy carbon allowances from the state.

AIA supports SB 5126 after it was amended to include key provisions related to environmental justice. The bill passed out of the Senate Environment & Energy Committee this week; the normal bill cut-off deadlines do not apply to it because it considered “necessary to implement the budget.”

⇒ Proponents of SB 5126 are looking for individuals and firms interested in supporting this bill to sign on in support. You can read more about this bill [here](#) and sign on [here](#).

SB 5373—the Washington Strong Act (Sen. Liz Lovelett D-Bellingham/Anacortes) This bill creates a carbon pollution tax starting at \$25 per metric ton of greenhouse gas emissions and raising annually. This bill is also considered “necessary to implement the budget” and remains alive even though it has yet to be considered in its first policy committee. This bill will have its initial hearing on March 4, but it is unlikely to move forward beyond that.

HB 1091—Clean Fuel Standard (Rep. Joe Fitzgibbon D-West Seattle) This bill reduces greenhouse gas emissions by reducing the carbon intensity of transportation fuel. It faces strong opposition in part because it would increase the gas tax. This bill is in the House Rules committee awaiting being moved to the floor.

HB 5141—Environmental Justice (Sen. Rebecca Saldaña D-SE Seattle) This bill adds measures to incorporate environmental justice analysis and decision-making into future state agency actions. It is currently in the Senate Rules Committee.

Practice Issues

State Contracting

SB 5032 by Sen. Bob Hasegawa (D-Seattle, Tukwila, Renton) would reauthorize the use of alternative project delivery for state contracts. This bill continues to enjoy bipartisan support and has passed the Senate and is currently in the House Capital Budget Committee. AIA supports the bill.

HB 1259 by Rep. Sharon Tomiko Santos (D-Southeast Seattle) provides greater enforcement against firms that are inappropriately using the **MWBE** system and moves enforcement authority from the Attorney General’s office to the Office of Minority and Women’s Business Enterprises. AIA would like to see stronger legislation on the MWBE program, but we support this bill.



A&E Plan Approval

An AIA-opposed bill to require local government reviewers to accept any plans stamped by an architect or engineer as long as they meet zoning requirements failed to receive a vote. **SB 5243** by Sen. Chris Gildon (R-Puyallup) was opposed by both architects and engineers.

PRACTICE continued on page 4

Practice Issues, cont.

Licensing

Four bills that would have potentially weakened licensing requirements for all licensees under the Dept. of Licensing, including architects, failed to receive a vote in their policy committee. AIA opposed the bills in general, although two were amended last year to exempt licenses that are covered by a national reciprocal licensing agreement (as architects are by NCARB), and we did not oppose them outright this year. In 2021, labor unions came out against all of these bills, sinking Democratic support.

A fifth bill allows felons who have served their time to appeal to individual licensing boards to become licensed. AIA supports this bill because it offers individuals a second chance and it allows the Board of Architects to make the determination on a case-by-case basis. This bill has wide support and is currently eligible for a vote on the House floor.

Liability

HB 1076 by Rep. Drew Hansen (D-Kitsap Peninsula) would allow private lawsuits against employers on behalf of employees on labor and employment laws, allowing attorneys to seek out employees on whose behalf they can sue and then collect a portion of the settlement. This is known as a qui tam action. AIA|WA opposes the bill. This bill is in the House Rules Committee and is expected to pass the House. Like last year, however, it will have a more difficult road ahead in the Senate.



Tax Legislation

While we wait for the state to work through its B&O tax reform process (legislation is not expected until 2023), several new personal tax proposals on wealth have emerged from Democrats this year. AIA is not taking a position on these bills, in part because they do not address comprehensive tax system reform that includes the B&O.

- ⇒ **Capital gains tax:** **SB 5096**, has been amended to add a 7% tax on capital gains earnings above \$250,000 beginning Jan. 1, 2022. Following federal capital gains treatment, sole-proprietor businesses, homes, retirement accounts, farms and forestry, and income from salaries would be exempted. This tax would, however, impact architects who sell stock or ownership interests in their firms.
- ⇒ **Wealth tax:** **HB 1406** by Rep. Noel Frame (D-Magnolia/Ballard), chair of the House Finance Committee, would impose a 1% tax on approximately 100 Washingtonians whose wealth exceeds \$1 billion. (To make it a flat tax as required by the state constitution, all Washingtonians would be assessed the tax but the first \$1 billion would be exempted.)
- ⇒ **Estate tax:** **HB 1465** by Rep. Tina Orwall (D-SeaTac, Kent) would increase the tax rate on estates valued at \$3 million or more. The maximum tax rate would be raised to 40% (from 20%) and would apply to estates worth at least \$1 billion.
- ⇒ **High valued assets tax:** **HB 1946** by Rep. Tana Senn (D-Mercer Island) would add a 7% tax on capital gains from real estate investments and 9.9% on profits from other types of transactions, such as sales of stock. The bill exempts first \$200,000 in profits per individual (\$400,000 per couple). Home sales would be exempt only if the seller lived there for two of the past five years and the selling price is less than \$5 million.



Tax bills are notoriously hard to pass through the Legislature, and these bills will receive no Republican support. Democrats likely only have the political willingness to pass one—most likely the capital gains tax.

Livability + Affordability Legislation

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

GMA

In 2021, a top AIA priority is supporting legislation to add key elements to local planning requirements under the Growth Management Act. These and other GMA-related bills appear to be a strong priority for legislators this year, as at least six bills by both parties remain alive. AIA's focus is on the two listed below, which are both currently eligible for a vote on the House floor:

HB 1099: requires planning for climate impacts, including a focus on compact communities that reduce vehicle miles traveled.

HB 1220: broadens existing GMA requirements around housing to include planning around housing for all income-levels, including the homeless; to prevent displacement; and to address racial bias and exclusion in housing policies.



Housing & Housing Financing

AIA supports legislation to provide robust housing financing and policies to support more housing at all income levels. These bills have been a legislative priority over the past two years, but they have not fared as well as we had hoped this year.

AIA priorities that are dead for the session

- **HB 1128:** creates Housing Benefit Districts to enable local governments to fund the acquisition of land around transit centers for low-income and middle-income housing and community development projects.
- **HB 1337:** creates local govt tax incentives for reducing ADU restrictions.

Bills that remain alive

- **HB 1189/SB 5211:** authorizes the creation of property-tax based tax increment financing districts to pay for infrastructure improvements.
- **HB 1070:** modifies allowed uses of local tax revenue for affordable housing to include the acquisition and construction of affordable housing and facilities.
- **SB 5012:** provides a local government option for the funding of essential affordable housing programs.
- **SB 5235:** prohibits cities and counties planning under the GMA from establishing owner occupancy rules for properties with ADUs or limiting the number of people living in a home.
- **SB 5428:** revises the application of the state environmental policy act to temporary shelters and transitional encampments.

You can view the other housing bills AIA is tracking [here](#).

Advocacy News from AIA National

AIA commends Biden Administration for reversing Trump federal design mandate

The American Institute of Architects commends the Biden Administration's decision to overturn the Executive Order, "Promoting Beautiful Federal Civic Architecture."

"By overturning this order, the Biden Administration has restored communities with the freedom of design choice that is essential to designing federal buildings that best serve the public," said AIA 2021 President Peter Exley, FAIA. [More](#)

Race + Social Justice Legislation

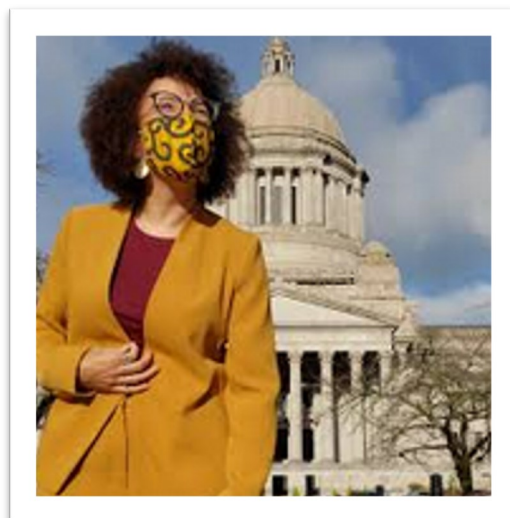
This year AIA is tracking bills related to eviction, rent relief, housing discrimination, health disparities, criminal justice and other legal changes, and additional issues related to racial and social equity. While we are not able to directly lobby on many of these issues, our intent is to make them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

Democratic leadership, particularly in the House, has clearly prioritized bills addressing equity and, specifically, inequalities in the state's criminal justice system. This is evident by the large number of bills that remain alive on these topics. (View the full list of race and social justice bills [here](#).)

Criminal justice bills that have passed their house of origin include:

- **HB 1078**: restores voter eligibility for persons convicted of a felony offense who are not in total confinement.
- **HB 1089**: authorizes the state auditor to review a deadly force investigation.
- **HB 1090**: prohibits private, for profit detention facilities in Washington.
- **SB 5066**: requires a peace officer to intervene and/or report when the officer witnesses a fellow peace officer engaging in the use of excessive force.

If you would like to support any of these bills (or those on the [larger list](#)) by contacting your state legislators, let [Kirsten](#) know and she can walk you through the process. You can also find more information about impacting bills by visiting our [Legislative Center](#).



Contacting the Legislature

There are many more ways for individuals to have an impact at the virtual Legislature than there are in normal years. 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

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. You can find instructions [here](#).

We're here to help!

Knowing the best timing for contacting your legislators about a bill can be confusing, especially as the session progresses and bills start to die. We can help! [Email us](#) and we'll guide you through it.

OPEN POSITION: Washington Board for Architects

The Washington State Board for Architects will have a Board Member position available starting in June 2021.

The seven-member, governor-appointed board is made up of six registered architects who reside in Washington and have at least eight years' experience in responsible charge of architectural work or teaching and one member of the public.

About the Washington State Board for Architects

The Board's primary function is to protect the public's health, safety, and welfare through regulating the practice of architecture. Board member responsibilities include:

- Attending board meetings (approx. 4 a year)
- Participating in board committees for specific projects
- Acting as a case manager or as part of the judicial panel in disciplinary cases
- Representing the board responsibly to the profession and the public
- Attending national council meetings as needed
- Reviewing applications as needed



This is a fantastic opportunity for someone looking to participate in shaping the profession; women and architects of color are encouraged to apply. More information about this position is available [here](#). Applications should be submitted by April 15.

Washington Council

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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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