

**BOARD OF COUNTY COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**

ORDINANCE NO. 2020-05

AN ORDINANCE ADOPTING LEGISLATION TO AUTHORIZE THE MAXIMUM CAPACITY OF THE SALES AND USE TAX AUTHORIZED BY RCW 82.14.540 FOR AFFORDABLE AND SUPPORTIVE HOUSING, ADDING A NEW CHAPTER TO TITLE 3 OF THE SKAMANIA COUNTY CODE, CHAPTER 3.30, SALES AND USE TAX, AFFORDABLE AND SUPPORTIVE HOUSING IN ACCORDANCE WITH SUBSTITUTE HOUSE BILL 1406 (Chapter 338, Laws of 2019), AND OTHER MATTERS RELATED THERETO

WHEREAS, IN 2019 Regular Session, The Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406 (Chapter 338, Laws of 2019) (“SHB 1406”); and

WHEREAS, SHB 1406 authorizes the governing body of a city or county to impose a local sales and use tax for the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, for the operations and maintenance costs of affordable or supportive housing, and providing rental assistance to eligible tenants; and

WHEREAS, the tax will be credited against state sales taxes collected within the County and, therefore, will not result in higher sales and use taxes within the County and will represent an additional source of funding to address housing needs in the County; and

WHEREAS, the tax must be used to assist persons whose income is at or below sixty percent of the County median income; and

WHEREAS, the County has an unmet need for affordable rental housing as well as supportive housing for people exiting homelessness and has determined that imposing the sales and use tax to address this need will benefit its citizens; and

WHEREAS, in order for a city or county to impose the tax, within six months of the effective date for SHB 1406, or January 28, 2020, the governing body must adopt a resolution of intent to authorize the maximum capacity of the tax, and within twelve months of the effective date of SHB 1406, or July 28, 2020, must adopt legislation to authorize the maximum capacity of the tax; and

WHEREAS, the Board of County Commissioners adopted Resolution 2019-30, a resolution of intent to authorize the maximum capacity of the tax, in open session on August 13, 2019; and

WHEREAS, the Department of Revenue requires 30 days’ notice of adoption of sales tax credits and the credit will then take effect on the first day of the month following the 30-day period; and

WHEREAS, there exists a Skamania County Homeless Housing Council consisting of area partners such as the Columbia Cascade Housing Corporation, Washington Gorge Action Programs, Skamania County and the City of Stevenson; and

WHEREAS, there have been discussions considering cooperative action and pooling public and private resources to address affordable housing needs in Skamania County; however, no decisions have been made at this time; and

WHEREAS, the County has determined it is in the best interest of the County and its residents to begin implementation of the tax and then later determine the process for the distribution of the funds collected by the resolution of the Skamania County Board of Commissions to meet the requirements of Chapter 338, Laws of 2019.

NOW, THEREFORE, the Board of Skamania County Commissioners do hereby ordain as follows: the following findings of fact and conclusions of law are hereby made:

Findings of Fact:

1. On July 1, 2020 a Notice of Public Hearing was published in the Skamania County Pioneer.
2. The Board of County Commissioners held a public hearing on July 14, 2020.

Conclusions of Law:

1. The proposed amendments to Skamania County Code Title 3, adding Chapter 3.30 Sales and use Tax – Credit against prior tax are necessary to address affordable housing issues in Skamania County.
2. RCW 82.14.055(2) states that, “In the case of a local sales and use tax that is a credit against the state sales tax or use tax, a local sales and use tax change may take effect (a) no sooner than thirty days after the department receives notice of the change and (b) only on the first day of a month.” The County intends to notify and contract with the Department of Revenue for the collection of the sales and use tax.

NOW THEREFORE BE IT ORDAINED, by the Skamania County Board of Commissioners that, based on the findings of fact and conclusions of law above, that the tax is imposed, and a new chapter of the Skamania County Code created as follows:

Section 1. Skamania County Code is amended to create a new Chapter 3.30 as shown on the attached Exhibit A.

Section 2. Effective Date. This ordinance is effective upon signing. The Chair of the Board of County Commissioners shall immediately proceed with notifying and, if needed, contracting with the Department of Revenue.

Section 3. Savings and Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

PASSED by the Skamania County Board of Commissioners in regular session at Skamania County, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 14th day of July 2020.



Robert Hamlin, Chairman, District 3



T.W. Lannen, Commissioner, District 2



Richard Mahar, Commissioner, District 1

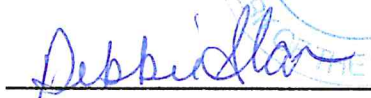
*Constituting the Board of County Commissioners
of Skamania County, Washington*

Approved as to form:



Adam Kick, Prosecuting Attorney

Attest:



Debbie Slack, Clerk of the Board



*2 ayes
1 absent*

EXHIBIT A

Chapter 3.30 Sales and use Tax – Credit against prior tax.

3.30.010 – Definitions

“Nonparticipating City,” “Nonparticipating County,” “Participating City,” “Participating County,” and “Qualifying Local Tax” shall have the definitions provided in RCW 82.14.540 as it exists or is hereafter amended.

3.30.020 – Imposition

Skamania County is a “participating county” under RCW 82.14.540. There is authorized, fixed and imposed a sales and use tax on every taxable event, as defined in RCW 82.14.020, in nonparticipating cities and participating cities identified in RCW 82.14.540, as appropriate for taxation by a participating county. There is also authorized, fixed and imposed a sale and use tax on every taxable event, as defined in RCW 82.14.020, in unincorporated Skamania County for the time period identified as appropriate for taxation by a participating county under RCW 82.14.540. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW 82.08 and RCW 82.12.

3.30.030 – Rate.

The rate of the tax shall be the maximum rate permitted participating counties under RCW 82.14.540 as it exists or is hereafter amended.

3.30.040 – Administration and collection.

The tax imposed by this chapter shall be administered and collected in accordance with RCW 82.14.540. The Chairman of the Board of County Commissioners is authorized and directed to execute any contracts with the Department of Revenue that may be necessary to provide for the administration or collection of the tax.

3.30.050 – Fund Created.

The proceeds of the tax imposed by this chapter shall be deposited in a special fund in Skamania County to be known as the “Affordable and Supportive Housing Fund.”

3.30.060 – Use of funds

Monies collected may only be used for affordable and supportive housing purposes as provided in RCW 82.14.540(6)(b) as it exists or is hereafter amended. Monies shall be administered by the Board of County Commissioners, in accordance with budgetary processes and state statutes.

3.30.070 – Report by Administrative Director of the Community Health Department

The Administrative Director of the Community Health Department shall report annually to the Department of Commerce as required by RCW 82.14.540(11).

3.30.080 - Expiration.

The tax imposed by this chapter expires 20 years after the date on which the tax is first imposed.

3.30.100 - Severability.

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected.

NOTICE OF PUBLIC HEARING
Before the
Board of Skamania County Commissioners

PURPOSE: Skamania County Board of Commissioners hereby gives notice that a public hearing will be held to consider Ordinance 2020-05, Adopting Legislation to Authorize the Maximum Capacity of the Sales and Use Tax Authorized by RCW 82.14.540 for Affordable and Supportive Housing, Adding a new chapter to Title 3 in the Skamania County Code, Chapter 3.30, Sales and Use Tax, Affordable and Supportive Housing in Accordance with Substitute House Bill 1406 (Chapter 338, Laws of 2019) and Other Matters Related Thereto.

The Washington State Legislature adopted Chapter 388, Laws of 2019, relating to encouraging investments in affordable housing and for rental assistance in the 2019 session. The Skamania County Board of Commissioners adopted Resolution 2019-30 to declare the intent of the Count to adopt legislation to authorize a sales and use tax for affordable and supportive housing in accordance with substitute House Bill 1406 on August 13, 2010.

Written testimony/comments to be considered at the public hearing by the Board of Commissioners must be received by the Clerk of the Board by 12:00 PM on the Monday preceding the date of the public hearing.

Copies of Ordinance 2020-05 are available to the public in the Commissioners' Office, Room 15, 240 NW Vancouver Avenue, Stevenson, WA or may be viewed on our website at www.skamaniacounty.org

DATE: July 14, 2020
TIME: 5:30 PM
PLACE: Skamania County Courthouse, Room No. 18 (lower level)
240 NW Vancouver Avenue
Stevenson, WA.

Skamania County Courthouse is accessible for persons with disabilities. Please let us know if you will need any special accommodations in order to attend the meeting. (509) 427-3700.

DATED this 23rd day of June 2020.



Debbie Slack
Clerk of the Board

publish: July 1, 2020

DATE: June 23, 2020
TO: The Skamania County Pioneer
PO Box 250
Stevenson, WA 98648

FROM: Skamania County Commissioners
Clerk of the Board
PO Box 790
Stevenson, WA 98648

Please publish the following documents on the dates indicated:

1. Document: Notice of Public Hearing to consider approval of Ordinance 2020-05, an ordinance amending Skamania County Code Title 3 – Revenue and Finance, to include new Chapter 3.30 – Sales and Use Tax – Affordable and Supportive Housing

Publish as: Legal Notice
Publish on July 1, 2020

Send Bill to Skamania County Commissioners
P.O. Box 790
Stevenson, WA 98648

**CITY OF STEVENSON, WASHINGTON
ORDINANCE 2020-1159**

**AN ORDINANCE OF THE CITY OF STEVENSON, WA AUTHORIZING THE
MAXIMUM CAPACITY OF A LOCAL SALES AND USE TAX TO FUND
INVESTMENTS IN AFFORDABLE AND SUPPORTIVE HOUSING IN ACCORDANCE
WITH SUBSTITUTE HOUSE BILL 1406 (CHAPTER 338, LAWS OF 2019), AND
ADDING CHAPTER 3.10 SALES AND USE TAX FOR AFFORDABLE HOUSING;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, in the 2019 Regular Session, the Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406 (Chapter 338, Laws of 2019) (“SHB 1406”); and

WHEREAS, SHB 1406 authorizes the governing body of a city or county to impose a local sales and use tax for the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing; and

WHEREAS, the tax will be credited against state sales taxes collected within the City and, therefore, will not result in higher sales and use taxes within the City and will represent an additional source of funding to address housing needs in the City; and

WHEREAS, the tax must be used to assist persons whose income is at or below sixty percent of the City median income; and

WHEREAS, the City has a lack of available affordable housing and has determined that imposing the sales and use tax to address this need will benefit its citizens; and

WHEREAS, in order for a city or county to impose the tax, within six months of the effective date of SHB 1406, or January 28, 2020, the governing body must adopt a resolution of intent to authorize the maximum capacity of the tax, and within twelve months of the effective date of SHB 1406, or July 28, 2020, must adopt legislation to authorize the maximum capacity of the tax; and

WHEREAS, resolution 2019-345 was adopted on September 19, 2019 and constitutes the resolution of intent required by SHB 1406; and

WHEREAS, the City of Stevenson intends to impose the maximum local sales and use tax authorized under Chapter 338, Laws of 2019 within one year of the date on which said law takes effect; and

WHEREAS, the Department of Revenue requires 30 days' notice of adoption of sales tax credits and the credit will then take effect on the first day of the month following the 30-day period; and

WHEREAS, Chapter 338, Laws of 2019 authorizes the City of Stevenson to issue general obligation or revenue bonds to carry out the purposes of the legislation and to pledge the revenue collected by the local sales and use tax to repay the bonds; and

WHEREAS, there exists a Skamania County Homeless Housing Council consisting of area partners such as the Columbia Cascade Housing Corporation, Washington Gorge Action Programs, Skamania County and the City of Stevenson; and

WHEREAS, there have been discussions considering cooperative action and pooling public and private resources to address affordable housing needs in Skamania County; however, no decisions have been made at this time; and

WHEREAS, the City has determined it is in the best interest of the City and its residents to begin implementation of the tax and then later determine the process for the distribution of the funds collected by a resolution of the Stevenson City Council to meet the requirements of Chapter 338, Laws of 2019.

NOW, THEREFORE, the City Council of the City of Stevenson do hereby ordain as follows:

Section 1. Chapter 3.10 of the Stevenson Municipal Code Established. A chapter of the Stevenson Municipal Code entitled "Sales and Use Tax for Affordable Housing," to be codified as Stevenson Municipal Code (SMC) Chapter 3.10, is hereby established to read as set forth on Exhibit "A" attached hereto and by this reference incorporated herein:


Section 2. Notice to Department of Revenue. The City Administrator is authorized to provide any necessary notice to the Department of Revenue to effectuate the tax enacted by this ordinance and to execute, for and on behalf of the City of Stevenson, any necessary agreement with the Department of Revenue for the collection and administration of the tax enacted by this ordinance.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

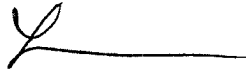
Section 5. Effective Date. This ordinance shall become effective following passage and publication as provided by law.

PASSED by the City Council of the City of Stevenson and approved by the Mayor this 18th day of June, 2020.




Mayor of the City of Stevenson

ATTEST:



Clerk of the City of Stevenson

APPROVED AS TO FORM:



Attorney for the City of Stevenson

Exhibit "A"

**CHAPTER 3.10
SALES AND USE TAX FOR AFFORDABLE HOUSING**

Sections:

- 3.10.010 Imposition of Sales and Use Tax for Affordable Housing
- 3.10.020 Purpose of Tax
- 3.10.030 Administration and Collection - Statutory Compliance

3.10.10 Imposition of Sales and Use Tax for Affordable Housing

A. There is imposed a sales and use tax as authorized by Washington State Legislature Chapter 338, Laws of 2019, which shall be codified in Chapter 82.14 RCW, upon every taxable event, as defined in Chapter 82.14 RCW, occurring within the City of Stevenson. The tax shall be imposed upon and collected from those persons from whom the State sales tax or use tax is collected pursuant to Chapter 82.08 and 82.12 RCW.

B. The rate of the tax imposed by SMC Section 3.10.010 shall be 0.0073 percent of the selling price or value of the article used.

C. The tax imposed under SMC Section 3.10.010 shall be deducted from the amount of tax otherwise required to be collected or paid to the Department of Revenue under Chapter 82.08 or 82.12 RCW. The Department of Revenue will perform the collection of such taxes on behalf of the City of Stevenson at no cost to the City.

D. The Department of Revenue will calculate the maximum amount of tax distributions for the City of Stevenson based on the taxable retail sales in the City in State Fiscal Year 2019, and the tax imposed under SMC Section 3.10.010 will cease to be distributed to the City of Stevenson for the remainder of any State Fiscal Year in which the amount of tax exceeds the maximum amount of tax distributions for the City as properly calculated by the Department of Revenue. Distributions to the City of Stevenson that have ceased during a State Fiscal Year shall resume at the beginning of the next State Fiscal Year.

3.10.20 Purpose of Tax

A. The City may use the moneys collected by the tax imposed under SMC Section 3.10.20 or bonds issued only for the following purposes:

1. Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; and
2. Providing the operations and maintenance costs of new units of affordable or supportive housing; and
3. Providing rental assistance to tenants.

B. The housing and services provided under SMC Section 3.10.020 may only be provided to persons whose income is at or below 60 percent of the median income of the City.

C. In determining the use of funds under SMC Section 3.10.020, the City must consider the income of the individuals and families to be served, the leveraging of the resources made available under SMC Section 3.10.010, and the housing needs within the City.

D. The City Administrator must report annually to the Washington State Department of Commerce, in accordance with the Department's rules, on the collection and use of the revenue from the tax imposed under SMC Section 3.10.010.

E. The tax imposed by the City under SMC Section 3.10.010 will expire 20 years after the date on which the tax is first imposed. The City Administrator shall provide notice to the City Council and the Mayor of the expiration date of the tax each year beginning three years before the expiration date, and shall also promptly notify the City Council and the Mayor of any changes to the expiration date.

3.10.030 Administration and Collection - Statutory Compliance

The administration and collection of the tax imposed by Chapter 3.10 shall be in accordance with the provisions of Washington State Legislature Chapter 338, Laws of 2019, which shall be codified in Chapter 82.14 RCW.