

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1380 HB	<b>Title:</b> Public property regulations
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Final 1/24/2025
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1380 HB	<b>Title:</b> Public property regulations	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Audrey Vasek	Phone: 360-786-7383	Date: 01/17/2025
Agency Preparation: Chris Conn	Phone: 360-704-5512	Date: 01/23/2025
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/23/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/24/2025

197,847.00

Request # 047-1

Form FN (Rev 1/00)

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Bill # 1380 HB

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill requires county/city laws to allow objectively reasonable regulation of the uses of public property.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

Indeterminate. Case filings may increase, but the number is could be significant. The Administrative Office of the Courts (AOC) has no data available to estimate the number of filings that would be filed because of this bill.

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditure By Object or Purpose (County)

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. C - Expenditure By Object or Purpose (City)

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

None

197,847.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1380 HB	<b>Title:</b> Public property regulations	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Audrey Vasek	Phone: 360-786-7383	Date: 01/17/2025
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 01/21/2025
Agency Approval: Leah Snow	Phone: 360-586-2104	Date: 01/21/2025
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 01/23/2025

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The Attorney General's Office (AGO) Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division's workload. This bill will not impact the provision of legal services to the Department of Commerce (Commerce) by AHD. Commerce was assigned this fiscal note request for its role in estimating the impact of bills on local governments. Commerce itself would not be given any new authorities or responsibilities under this bill. Therefore, no costs are included in this request.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1380 HB

**Title:** Public property regulations

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

Cities: Potential litigation costs; staff time to revise ordinances.

Counties: Same as above.

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

## Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs:

Legislation provides local option:

Key variables cannot be estimated with certainty at this time: The number of cities and counties that must revise their ordinances to comply with bill requirements, the number of cities and counties that will incur litigation costs, the potential administrative costs to draft and enforce public property regulations.

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: Hailey Brown	Phone: 360-725-5035	Date: 01/21/2025
Leg. Committee Contact: Audrey Vasek	Phone: 360-786-7383	Date: 01/17/2025
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/21/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/23/2025



## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

The proposed legislation is an act relating to allowing objectively reasonable regulation of the utilization of public property in cities and counties

Any city or town, code city, or county law that regulates the acts of sitting, lying, sleeping, or keeping warm and dry outdoors, on public property that is open to the public, must be objectively reasonable as to time, place, and manner. "Keeping warm and dry" is defined as using measures necessary for an individual to survive outdoors, given the environmental conditions, but does not include using any measure that involves fire or flame.

It is an affirmative defense to a charge of violating such a law that the law is not objectively reasonable. Objective reasonableness must be determined based on the totality of the circumstances. In determining objective reasonableness, special consideration must be given to the impact of the law on persons experiencing homelessness.

A person may bring a lawsuit for injunctive or declaratory relief to challenge the objective reasonableness of a law that regulates the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public. The lawsuit must be brought in the superior court of the county where the local government that enacted the law is located.

The court may award reasonable attorneys' fees to a prevailing plaintiff if the plaintiff:

- was not seeking to vindicate an interest unique to the plaintiff;
- and at least 90 days before the lawsuit was filed, the plaintiff provided written notice to the local government of the plaintiff's intent to bring the lawsuit, including actual notice of the basis upon which the plaintiff intends to challenge the law.

Nothing in the bill creates a private right of action for monetary damages for any person.

The bill applies retroactively to all causes of action brought on or after the effective date of the bill, and to all city or town, code city, or county laws existing on or after the effective date of the bill, regardless of when the cause of action arose or when the laws were enacted. In all other respects, the bill applies prospectively.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

This bill is expected to have an indeterminate fiscal impact on local government expenditures.

The bill would establish a new legal framework for existing ordinances, resetting the legal context for issues that have been addressed in courts without such a framework. This change is likely to restart the process of legal challenges. The Washington State Association of Counties (WSAC) anticipates that five counties may need to revise their ordinances to comply with the requirements of the bill or in response to potential lawsuits.

The Local Government Fiscal Note Program Unit Cost Model provides a range of estimates for passing an ordinance in cities and counties:

Simple ordinance: \$650 (city), \$700 (county)

Moderate ordinance: \$2,250(city), \$2,350 (county)

Complex ordinance: \$6,550 (city), \$7,000 (county)

Both WSAC and the Association of Washington Cities (AWC) have indicated that the bill could lead to an increase in litigation costs for cities. The bill is modeled after Oregon's law, which led to a lawsuit against Portland on its first day of implementation. Rather than incurring further litigation costs, Portland opted to settle for \$175,000 in attorney's fees.

While it is uncertain how many cities or counties in Washington may face similar lawsuits, the potential for litigation and associated costs is a significant concern.

Beyond the increased litigation costs, cities would need to review and potentially amend all ordinances related to sitting, lying, sleeping, or keeping warm and dry in public spaces to ensure compliance with the “objectively reasonable” standard for time, place, and manner restrictions. Since the totality of the circumstances could fluctuate over time, city codes may meet this standard one month but fail to do so in subsequent months, necessitating ongoing revisions.

Additionally, implementing "objectively reasonable" regulations for public spaces may require local governments to invest in additional administrative resources, such as hiring staff to draft and enforce these regulations or engaging legal experts to ensure that the rules comply with state mandates and remain defensible in court.

## **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

This bill is not expected to have an impact on local government revenues.

### **SOURCES:**

Association of Washington Cities

House Bill Analysis, HB 1380 (2024)

Local Government Fiscal Note Program Unit Cost Model (2025)

Washington Association of Counties