



Efforts in the Washington State Legislature to Address the Hirst Decision

Legislative Update

REALTORS® are part of a broad coalition of interests seeking to correct the Hirst decision and establish a workable system for obtaining water supply for new development in areas not served by water systems. This coalition includes counties, cities, water utilities, homebuilders, and agricultural groups. The leading bills to address the Hirst decision are HB 1885 and SB 5239.

The House Appropriations Committee did not pass HB 1885 out of committee by the February 24 fiscal committee deadline, so it is technically considered “dead” for this session. However, there is a chance that this bill could come back to life late in the session. On February 28, the Senate passed SB 5239 by a vote of 28–21. It will now go to the House, which will resume committee hearings on March 9.

Our effort is based on ensuring that local governments can rely on regulations adopted by Ecology, the state’s water resource agency. Cities and counties have no authority to implement the state’s water code, and the Supreme Court’s decision that local governments have independent water resource regulatory obligations under the GMA is simply wrong.

In addition, our position includes the recognition that in some areas of the state, Ecology should implement actions to protect instream flows if there are cumulative impacts from single domestic wells. A variety of domestic well mitigation programs have been implemented in recent years, and Ecology (not local governments or homeowners) should continue to address the issue where cumulative impacts exist. Over the past few years, the state has developed and funded millions of dollars of projects to protect instream flows—the state should continue doing so to address domestic well impacts where they are significant.

While REALTORS® were hopeful that the Legislature would address this issue quickly to eliminate the huge economic impacts on landowners and the uncertainty facing local governments, it is likely that this issue will not be resolved until the end of the Legislative Session.

For questions or comments, contact:

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