

# Season's Greetings

## Monthly

Legislative News  
& Updates



November/December 2021 | Volume 1, Issue 7

### Upcoming Events

See what's happening in [January](#).

- January 5: All Members Meeting with former AG Rob McKenna regarding Capital Gains Tax Lawsuit
- Pre-Session Legislative Briefing

Donate to our Legal Defense Fund [Link to LDF Donate](#)

### In this Issue:

- President's Message
- 2022 Legislative Priorities
- WBPA LDF News
- Looking to the Future
- Admin Corner

EDUCATE  
LEGISLATE  
LITIGATE  
**PROPERTY  
RIGHTS**

### Join the WBPA Today!

Join the WBPA today and fight alongside like-minded property owners in the State of Washington  
Protect Your Property rights.

Join  
NOW!

*2021 Holiday Newsletter*

## President's Message

Message from WBPA President, Kevin Wallace

First, I want to thank you for investing in the Washington Business Properties Association. As many of you know, we launched the WBPA in July of 2020 and we are humbled with the generosity and support that the WBPA has received during the past 18 months. We have raised roughly \$700,000 in membership and



Legal Defense Fund donations which is very gratifying especially when you consider all of the COVID related challenges we have endured during the past two years.

At the beginning of the year WBPA identified 5 Priorities when the 2021 Legislative Session began. We were pleased with our accomplishments. For example, all of us were very disappointed that the Capital Gains bill passed; however, we were very pleased with our efforts to exclude **all real estate** from the final bill. I hope you will plan to join us January 5th for a virtual call with former Attorney General Rob McKenna who will provide us with an update on the litigation challenging the constitutionality of the Capital Gains bill. Most of us believe the Capital Gains legislation is the first step towards a statewide income tax, which is simply unacceptable.

As we prepare for the 2022 Legislative Session, we know that Residential Rent Control will be re-introduced along with other onerous and expensive Progressive proposals. Please make sure to review our 2022 Legislative Priorities which are summarized below. The WBPA Board of Directors and staff will continue to Advocate, Educate, Legislate and Litigate to protect the property rights of all commercial, retail, and residential business owners across our State. WBPA will also continue to fight misguided attacks introduced by policy makers on our property rights, for example, challenging the City of Bellevue over their proposed Utility Easement taking which is unlawful. Similarly in February, we asked 52 companies and businesses to sign-on to our *NO on Capital Gains* letter.

We are grateful for your on-going financial support, and we look forward to working with you as we roll into 2022. On behalf of the WBPA, I hope you and your family have a wonderful Christmas holiday and a safe and healthy New Year!

Sincerely,

**Kevin Wallace, President**  
**The Washington Business Properties Association**

## 2022 Legislative Priorities



### Legislative Session Jan. 10 - Mar. 10, 2022

The 2022 Legislative Session starts in less than three weeks on Monday, January 10. WBPA has identified the following Legislative Priorities as we enter the Session - **Support:**

- **HB 1035** - Preservation Tax Credit
- **SB 5039** - Limiting the Governor's Emergency Powers
- **SB 5282** - COVID Property Value Reassessment
- **TBA** - Strengthening Organized Retail Theft

#### **Oppose:**

**SB 5139** - Rent Control  
**HB 1084** - Banning Natural Gas  
**SB 5278** - Contractor Liability

#### **Monitor:**

**TBA** - Governor's Suit of Green Energy Bills  
**TBA** - Transportation & Infrastructure Package

READ MORE

WA Leg Bill  
Info

Beginning January 13, WBPA's Legislative Committee will meet every Thursday from 4:00-5:00pm during the Session for a Virtual update. If you are interested in participating in these weekly meetings, please contact Karla Johnson at: [support@thewbpa.org](mailto:support@thewbpa.org). There will undoubtedly be a number of challenging bills to amend or defeat next year and we welcome your input and participation as the Legislative Session progresses!

**Chester Baldwin, J.D., Executive Director**  
**Washington Business Properties Association**

## WBPA Legal Defense Fund News



### Holiday 2021 LDF Newsletter

Looking back on 2021 it's been an interesting year, to say the least, for our industry's legal defense. It has been a year like no other. We have certainly had some setbacks but on the positive side some significant wins.

### Legal Defense Cases:

- *Gonzales v. Inslee*
- *Jevons v. Inslee (Eastern WA District Court)*
- *Cedar Point Nursery v. Hassid*
- *Pakdel v. City and County of San Francisco*

For more details on the above cases [Click Here](#)

WBPA will keep a close eye as this case proceeds but it's clear that the Supreme Court of the United States considers that regulatory takings should be taken more seriously by lower courts.

Finally as we look to 2022, we need your help fighting for property rights. Please consider making a year end donation\* and continuing to support the work WBPA does for all Washington property owners. Remember as a trade association your donation is tax deductible\*

**William Shadbolt**  
**Director of Finance and Legal Defense**

*\*Help us to make it happen! Contributions to the LDF are considered an "ordinary and necessary" business expense. Please consult with your tax professional for your specific circumstance.*

Contribute to WBPA's Legal Defense  
Fund

## Looking to the Future

**WBPA Legislation for 2023**

WBPA is looking ahead to see what is in store for the 2023 Legislative Session.

## Stakeholder Coalition Building:

1. **2023 – Condo Liability Reform** – Condominiums provide affordable options for homeownership and family housing, but WA State does not build many condos because of the liability that attaches to builders of these units. This lack of affordable condo homeownership units has robbed WA families of hundreds of billions of dollars in real estate appreciation and limited homeownership opportunities, especially in urban locations. While some changes were made in 2019, significant liability reform is needed to stimulate the production of these affordable housing options for WA families.
2. **2023 – WA Housing Crisis Production Act** – WA State was experiencing a housing crisis well before COVID, but the pandemic has dramatically increased and highlighted our lack of housing. WA is short more than 300,000 housing units and this number is increasing. We have underproduced for 15 straight years since the great Recession. Challenges with local jurisdictions, impact fees, regulatory costs, permitting delays, environmental headaches, and lawsuits are just a some of the challenges that currently face builders in WA State. Underproducing housing leads to a shortage and causes dramatic increases in housing prices. Housing price increases caused by a lack of affordable homeownership options can lead to displacement effecting communities of color and low income families in WA.
  - Limiting Impact Fees
  - Regulatory Reform
  - Permitting Timeline Reform
  - SEPA & Litigation Reform
  - Density Requirements
  - Building Incentives
  - Incentives for Cities who Meet Growth and Reform Goals
  - Others

**Chester Baldwin, J.D., Executive Director**  
**Washington Business Properties Association**

## WBPA Admin Corner



### Greetings!

As the holiday season is getting into full swing, your administrative and operations staff at the WBPA just wanted to update you on a couple of initiatives and say thank you for your support the past year.

We have been working hard to enlist new members for the WBPA and keep you informed each month on issues that are confronting property owners from Omak to Vancouver and Spokane to Port Angeles. As we have learned, we need to remain vigilant about state and local government efforts to limit or restrict your property rights.

Plans are being made for us to hear former Attorney General McKenna on the status of the litigation challenging the constitutionality of the capital gains tax put in place by the legislature in the past legislative session. The WBPA will continue to monitor this litigation as well as the challenges that have been launched by the WBPA concerning the Governor's executive orders that enforced moratoriums on rent collection and evictions. The WBPA is committed to making your voice heard on these issues and relies upon your WBPA membership to make that happen.

The WBPA continues to improve our website and hope you are finding it easy to use. We now have put together mailing lists and contact lists that will make it easier for us to

reach you when your voice needs to be heard on legislation being considered at all levels of government. If you have not yet joined the WBPA as a member, please do so today. Add your name to the WBPA statewide property rights advocacy voice. Go to [www.thewbpa.org](https://www.thewbpa.org) and click on the Membership tab. This online membership process has been streamlined and makes it possible for you to immediately become engaged with the efforts of the WBPA.

Thank you to our members that have shared ideas and suggestions on the type of information that you would like to receive from the WBPA. Each month we hope to feature a member in our "Spotlight" and post news articles received from across the state on our blog page. There is strength in a team approach to our issues. We truly appreciate you taking the time to share your local stories and national conversations that are taking place every day with our members.

Finally, please mark your calendars today for the WBPA membership meeting being planned for January 5, 2022, beginning at 9:00am. Join us for a pre-legislative overview and discussion before the 2022 session convenes on January 10, 2022. We also plan to share WBPA plans for future actions and challenges that the WBPA is considering. The meeting will be held via Zoom. You will receive a save the date card and more registration information soon.

Happy Holidays!

**Peter Lukevich, Director of Operations**  
**The Washington Business Properties Association**

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