
HOUSE BILL 2103

State of Washington

68th Legislature

2024 Regular Session

By Representatives Orwall and Fitzgibbon

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1 AN ACT Relating to mitigating harm and improving equity in large
2 port districts; amending RCW 53.36.020, 53.54.010, 53.54.020,
3 53.54.040, and 70A.65.260; adding a new section to chapter 53.54 RCW;
4 adding a new section to chapter 53.36 RCW; adding a new section to
5 chapter 43.330 RCW; adding a new section to chapter 53.20 RCW; and
6 creating a new section.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that airports are an
9 important part of Washington's economy. Airports enable travel for
10 business or recreation, allow for the transportation of cargo, and
11 provide thousands of jobs for the people of the state.

12 For those living near an airport, however, there can also be
13 adverse environmental and health impacts from airport noise and air
14 pollution. In King county, the majority of people identifying as
15 Black, Hispanic, Native Hawaiian, or Pacific Islander live within 10
16 miles of Seattle-Tacoma international airport. A 2019 study conducted
17 by the King county department of health found that this population
18 faces health, resource, and risk disparities as compared to the rest
19 of the county. Health issues within the community included a greater
20 percentage of infants born prematurely, higher hospitalization rates
21 for asthma, stroke, diabetes, heart disease, and chronic obstructive

1 pulmonary disease, and lower life expectancy and higher rates of
2 death when compared to the county as a whole. Many of these
3 conditions were found at higher rates the closer the population lived
4 to the airport.

5 It is the intent of the legislature that port districts operating
6 large airports in the state dedicate a portion of the property tax
7 they levy toward the mitigation of some of the impacts of noise and
8 air pollution that can be faced by communities near the airport. The
9 legislature also intends to provide additional assistance to ports in
10 fulfilling this goal and their environmental and community-related
11 missions. With these resources, ports can be a more responsive
12 community partner and help to uphold the values of respect,
13 antiracism and equity, integrity, and stewardship.

14 **Sec. 2.** RCW 53.36.020 and 1973 1st ex.s. c 195 s 56 are each
15 amended to read as follows:

16 (1) A district may raise revenue by levy of an annual tax not to
17 exceed ((~~forty-five cents~~)) ~~\$0.45~~ per ((~~thousand dollars~~)) ~~\$1,000~~ of
18 assessed value against the assessed valuation of the taxable property
19 in such port district for general port purposes, including the
20 establishment of a capital improvement fund for future capital
21 improvements, except that any levy for the payment of the principal
22 and interest of the general bonded indebtedness of the port district
23 shall be in excess of any levy made by the port district under the
24 ((~~forty-five cents~~)) ~~\$0.45~~ per ((~~thousand dollars~~)) ~~\$1,000~~ of
25 assessed value limitation. The levy shall be made and taxes collected
26 in the manner provided for the levy and collection of taxes in school
27 districts of the first class.

28 (2) After July 1, 2024, for any increase in the dollar amount of
29 a district's levy revenue over the district's prior year's levy at
30 least half of the dollar amount of such revenue increase must be
31 utilized for mitigation programs under section 3 of this act.

32 (3) (a) After July 1, 2025, at least one percent of a port
33 districts annual tax levy revenue must be utilized for mitigation
34 programs under section 3 of this act.

35 (b) For each year subsequent to the first year that a port
36 district becomes subject to (a) of this subsection, an additional one
37 percent of the port district's annual tax levy revenue must be
38 utilized for mitigation programs under section 3 of this act, to a
39 maximum of 10 percent.

1 (4) Revenue subject to the requirements in subsections (2) and
2 (3) of this section must be maintained by the port district in a
3 separate account.

4 (5) The requirements in subsections (2), (3), and (4) of this
5 section only apply to port districts authorized to undertake programs
6 for the abatement of aircraft noise under RCW 53.54.010. If a port
7 district becomes qualified to undertake such a program after July 1,
8 2024, then the requirements in subsections (2) and (3) of this
9 section take effect in the fiscal year immediately following the year
10 in which the port district becomes qualified.

11 NEW SECTION. Sec. 3. A new section is added to chapter 53.54
12 RCW to read as follows:

13 (1) Port districts authorized to undertake programs for the
14 abatement of aircraft noise under this chapter must additionally
15 undertake a remedial mitigation program as provided in this section.

16 (2) Remedial mitigation programs must consist of the following:

17 (a) The repair or replacement of failed mitigation equipment
18 installed pursuant to this chapter;

19 (b) The provision of sound mitigation equipment to residential,
20 recreational, or educational facilities that will measurably reduce
21 or mitigate the impacts of aircraft noise;

22 (c) The provision of air quality mitigation equipment to
23 residential, recreational, or educational facilities that will
24 measurably improve air quality including, but not limited to, the
25 provision of high particulate air purifiers designed to mitigate or
26 eliminate ultrafine particles or other aviation-related air
27 pollution;

28 (d) Programs to provide urban forests or green space within an
29 impacted area;

30 (e) The provision or support of indoor recreation facilities
31 available to the community within an impacted area; and

32 (f) The provision of indoor community greenhouses within an
33 impacted area.

34 (3)(a) In order for an individual property to qualify for an
35 individual benefit under a remedial mitigation program, the property
36 must:

37 (i) Be determined by an inspection to have been provided
38 mitigation equipment that failed;

1 (ii) Be within 10 miles of an airport and subject to levels of
2 aircraft noise of a day-night average sound level of 55 decibels or
3 more, regardless of whether the property was previously provided
4 benefits under a program authorized in RCW 53.54.030; or

5 (iii) Be within both five miles of the end of a runway used for
6 jet landings at the airport and within a two-mile radius of the
7 landing path used by jets, regardless of whether the property was
8 previously provided benefits under a program authorized in RCW
9 53.54.030.

10 (b) Properties may also be provided benefits under a remedial
11 mitigation program in order to realize community benefits within an
12 impacted area.

13 (c) A port district may not require the provision of an
14 unconditional right of easement for the operation of aircraft and for
15 noise or noise conditions associated with aircraft as a condition of
16 an individual property receiving an individual benefit under a
17 remedial mitigation program.

18 (4) When administering remedial mitigation programs, port
19 districts must prioritize remedial mitigation programs so that
20 benefits are received:

21 (a) First, by properties that have failed mitigation equipment;

22 (b) Second, for sound mitigation equipment by properties
23 qualifying under subsection (3)(a)(ii) of this section and for air
24 quality mitigation equipment by properties qualifying under
25 subsection (3)(a)(iii) of this subsection; and

26 (c) Third, for other qualifying properties.

27 (5)(a) Any port district subject to the requirements of this
28 section must enter into an interlocal agreement under chapter 39.34
29 RCW with the county in which the port is located for the provision of
30 a qualified building inspector or inspectors to conduct the
31 inspections required under this section. The port district must
32 contract with the county for sufficient inspectors to carry out the
33 necessary inspections required under this section in a timely manner.

34 (b) If the port district cannot enter into an interlocal
35 agreement with the county as required by this section, it must
36 contract with sufficient independent qualified building inspectors to
37 conduct the required inspections. A port district that is not
38 utilizing county building inspectors must produce and make publicly
39 available a report by February 1st of each year detailing the
40 aggregate results of the inspections conducted during the prior

1 calendar year and detailing the steps taken by the port district to
2 ensure that the inspector or inspectors are conducting accurate and
3 impartial inspections.

4 (c) Inspections required under this section must be provided at
5 no cost upon request of the owner of a residential or educational
6 facility that qualifies under subsection (3)(a) of this section,
7 except as provided in (d) of this subsection.

8 (d) No inspection under this section may be provided more than
9 once every five years to an individual property inspected by a
10 building inspector provided by the county under an interlocal
11 agreement with the port district or more than once a year by a
12 building inspector contracted with by the port district, unless,
13 following an inspection conducted under this section, the inspector
14 recommends an inspection occur at a shorter interval.

15 (6) A port district subject to the requirements of this section
16 shall prepare a pamphlet or other document detailing government
17 assistance programs available to assist property owners with
18 maintenance, repairs, energy assistance, or updating electrical
19 systems within an impacted area. If, during an inspection conducted
20 under this section, a building inspector finds structural or other
21 deficiencies on a property that are unrelated to failed mitigation
22 equipment, the inspector shall provide the property owner with the
23 information prepared by the port district.

24 (7) Beginning February 1, 2026, and every year thereafter, port
25 districts subject to the requirements of this section must produce a
26 publicly available report detailing the funds used on remedial
27 mitigation programs under this section. The report must indicate the
28 funds required to be used on remedial mitigation programs under
29 section 2 of this act, and funds made available to the port district
30 under sections 8 and 10 of this act. The report must explain how the
31 funds were used and the benefits that were provided.

32 (8) For the purposes of this section:

33 (a) "Airport" means an airport serving more than 900 scheduled
34 jet aircraft flights per day.

35 (b) "Educational facilities" means any structure used by children
36 as part of a public or private day care, kindergarten, elementary, or
37 secondary school.

38 (c) "Failed mitigation equipment" means any soundproofing
39 installation, structure, or other type of sound mitigation equipment
40 product or benefit provided under a program authorized in RCW

1 53.54.030 that is functioning at a level that is measurably inferior
2 to the level at which it was intended to function or that has caused,
3 through improper installation or other means, mold within the
4 property.

5 (d) "Impacted area" has the same meaning as in RCW 53.54.020.

6 (e) "Recreational facilities" means any senior center as defined
7 in RCW 18.29.056, or any facility used for recreation primarily by
8 those under the age of 21.

9 (f) "Residential facilities" means any residential dwelling unit,
10 including dwelling units in a multiunit dwelling.

11 **Sec. 4.** RCW 53.54.010 and 2020 c 105 s 1 are each amended to
12 read as follows:

13 A port district operating an airport serving more than (~~nine~~
14 ~~hundred~~) 900 scheduled jet aircraft flights per day may undertake
15 any of the programs or combinations of such programs, as authorized
16 by this chapter, and must undertake remedial mitigation programs as
17 provided in section 3 of this act, for the purpose of alleviating and
18 abating the impact of jet aircraft noise and other adverse impacts on
19 areas surrounding such airport.

20 **Sec. 5.** RCW 53.54.020 and 2020 c 105 s 2 are each amended to
21 read as follows:

22 (1) Prior to initiating programs as authorized in this chapter,
23 the port commission shall undertake the investigation and monitoring
24 of aircraft noise impact to determine the nature and extent of the
25 impact. The port commission shall adopt a program of noise impact
26 abatement based upon the investigations and as amended periodically
27 to conform to needs demonstrated by the monitoring programs. In no
28 case may the port district undertake any of the programs prescribed
29 in this chapter in an area that is:

30 (a) More than (~~ten~~) 10 miles beyond the paved north end of any
31 runway;

32 (b) More than (~~thirteen~~) 13 miles beyond the paved south end of
33 any runway; or

34 (c) More than two miles from the centerline of any runway (~~ten~~)
35 10 miles north and (~~thirteen~~) 13 miles south from the paved end of
36 such runway.

1 (2) (~~Such areas as determined in this section,~~) Areas within
2 which a port district may undertake a program authorized in this
3 chapter shall be known as "impacted areas."

4 **Sec. 6.** RCW 53.54.040 and 1974 ex.s. c 121 s 4 are each amended
5 to read as follows:

6 A port district may establish a fund to be utilized in
7 effectuating the intent of this chapter. The port district may
8 finance such fund by: The proceeds of any grants or loans made by
9 federal agencies; the proceeds of any grants or loans made by the
10 department of commerce pursuant to section 10 of this act; rentals,
11 charges and other revenues as may be generated by programs authorized
12 by this chapter, airport revenues; (~~and~~) revenue bonds based upon
13 such revenues; and tax levy revenue required by RCW 53.36.020 to be
14 utilized for remedial mitigation programs under section 3 of this
15 act. The port district may also finance such fund, as necessary, in
16 whole or in part, with the proceeds of general obligation bond issues
17 of not more than one-eighth of one percent of the value of taxable
18 property in the port district: PROVIDED, That any such bond issue
19 shall be in addition to bonds authorized by RCW 53.36.030: PROVIDED
20 FURTHER, That any such general obligation bond issue may be subject
21 to referendum by petition as provided by county charter, the same as
22 if it were a county ordinance.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 53.36
24 RCW to read as follows:

25 (1) When considering a significant port action initiated after
26 July 1, 2025, a qualifying port district must comply with the
27 requirements of this section prior to approving the action.

28 (2) To comply with this section, a port district must:

29 (a) Conduct an assessment on the likely adverse cumulative
30 impacts of the proposed action on overburdened communities and
31 vulnerable populations that will be affected by the action;

32 (b) Provide a written explanation of actions the port district is
33 taking to minimize the likely adverse impacts, or, if the port
34 district determines it does not have the ability or authority to
35 avoid or reduce any likely adverse impacts, including public health
36 impacts, of the action on overburdened communities and vulnerable
37 populations, provide a clear explanation of why it has made that
38 determination; and

1 (c) Consult with overburdened communities and vulnerable
2 populations about the proposed action, including by publicly
3 providing the results of the assessment, conducting outreach within
4 the communities or populations to raise awareness of the proposed
5 action, and holding at least one public meeting at a location easily
6 accessible to the communities and populations.

7 (3) Nothing in this section creates a right of action against a
8 port district or a right of review of an action taken by a port
9 district.

10 (4) For the purposes of this section:

11 (a) "Overburdened communities" has the same meaning as in RCW
12 70A.65.010.

13 (b) "Qualifying port district" means a port district authorized
14 to undertake programs for the abatement of aircraft noise under RCW
15 53.54.010.

16 (c) "Significant port action" means any action involving a
17 capital improvement project, purchase, or construction of \$12,000,000
18 or more in value.

19 (d) "Vulnerable populations" has the same meaning as in RCW
20 70A.02.010.

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.330
22 RCW to read as follows:

23 (1) Subject to the availability of amounts appropriated for this
24 specific purpose, the department of commerce shall administer a grant
25 program to provide assistance to qualifying port districts for hiring
26 or contracting with a building inspector or inspectors, or for
27 entering into an interlocal agreement with the county in which the
28 port district is located for the provision of a building inspector or
29 inspectors, as necessary to conduct inspections required under
30 section 3 of this act.

31 (2) The department of commerce shall prepare and publish an
32 annual report on its website detailing grants made under this
33 section. The report must include: (a) The number of inspectors hired
34 or contracted with, including inspectors provided under an interlocal
35 agreement with a county, because of the grants; (b) the number of
36 inspections conducted by the inspectors; and (c) the number of
37 remedial mitigation packages provided under section 3 of this act
38 subsequent to an inspection.

1 (3) For the purposes of this section, "qualifying port district"
2 means a port district authorized to undertake programs for the
3 abatement of aircraft noise under RCW 53.54.010.

4 **Sec. 9.** RCW 70A.65.260 and 2023 c 475 s 939 are each amended to
5 read as follows:

6 (1) The climate commitment account is created in the state
7 treasury. The account must receive moneys distributed to the account
8 from the climate investment account created in RCW 70A.65.250. Moneys
9 in the account may be spent only after appropriation. Projects,
10 activities, and programs eligible for funding from the account must
11 be physically located in Washington state and include, but are not
12 limited to, the following:

13 (a) Implementing the working families' tax credit in RCW
14 82.08.0206;

15 (b) Supplementing the growth management planning and
16 environmental review fund established in RCW 36.70A.490 for the
17 purpose of making grants or loans to local governments for the
18 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and
19 36.70A.600, for costs associated with RCW 36.70A.610, and to cover
20 costs associated with the adoption of optional elements of
21 comprehensive plans consistent with RCW 43.21C.420;

22 (c) Programs, activities, or projects that reduce and mitigate
23 impacts from greenhouse gases and copollutants in overburdened
24 communities, including strengthening the air quality monitoring
25 network to measure, track, and better understand air pollution levels
26 and trends and to inform the analysis, monitoring, and pollution
27 reduction measures required in RCW 70A.65.020;

28 (d) Programs, activities, or projects that deploy renewable
29 energy resources, such as solar and wind power, and projects to
30 deploy distributed generation, energy storage, demand-side
31 technologies and strategies, and other grid modernization projects;

32 (e) Programs, activities, or projects that increase the energy
33 efficiency or reduce greenhouse gas emissions of industrial
34 facilities including, but not limited to, proposals to implement
35 combined heat and power, district energy, or on-site renewables, such
36 as solar and wind power, to upgrade the energy efficiency of existing
37 equipment, to reduce process emissions, and to switch to less
38 emissions intensive fuel sources;

1 (f) Programs, activities, or projects that achieve energy
2 efficiency or emissions reductions in the agricultural sector
3 including:

4 (i) Fertilizer management;

5 (ii) Soil management;

6 (iii) Bioenergy;

7 (iv) Biofuels;

8 (v) Grants, rebates, and other financial incentives for
9 agricultural harvesting equipment, heavy duty trucks, agricultural
10 pump engines, tractors, and other equipment used in agricultural
11 operations;

12 (vi) Grants, loans, or any financial incentives to food
13 processors to implement projects that reduce greenhouse gas
14 emissions;

15 (vii) Renewable energy projects;

16 (viii) Farmworker housing weatherization programs;

17 (ix) Dairy digester research and development;

18 (x) Alternative manure management; and

19 (xi) Eligible fund uses under RCW 89.08.615;

20 (g) Programs, activities, or projects that increase energy
21 efficiency in new and existing buildings, or that promote low carbon
22 architecture, including use of newly emerging alternative building
23 materials that result in a lower carbon footprint in the built
24 environment over the life cycle of the building and component
25 building materials;

26 (h) Programs, activities, or projects that promote the
27 electrification and decarbonization of new and existing buildings,
28 including residential, commercial, and industrial buildings;

29 (i) Programs, activities, or projects that improve energy
30 efficiency, including district energy, and investments in market
31 transformation of high efficiency electric appliances and equipment
32 for space and water heating;

33 (j) Clean energy transition and assistance programs, activities,
34 or projects that assist affected workers or people with lower incomes
35 during the transition to a clean energy economy, or grow and expand
36 clean manufacturing capacity in communities across Washington state
37 including, but not limited to:

38 (i) Programs, activities, or projects that directly improve
39 energy affordability and reduce the energy burden of people with
40 lower incomes, as well as the higher transportation fuel burden of

1 rural residents, such as bill assistance, energy efficiency, and
2 weatherization programs;

3 (ii) Community renewable energy projects that allow qualifying
4 participants to own or receive the benefits of those projects at
5 reduced or no cost;

6 (iii) Programs, activities, or other worker-support projects for
7 bargaining unit and nonsupervisory fossil fuel workers who are
8 affected by the transition away from fossil fuels to a clean energy
9 economy. Worker support may include, but is not limited to: (A) Full
10 wage replacement, health benefits, and pension contributions for
11 every worker within five years of retirement; (B) full wage
12 replacement, health benefits, and pension contributions for every
13 worker with at least one year of service for each year of service up
14 to five years of service; (C) wage insurance for up to five years for
15 workers reemployed who have more than five years of service; (D) up
16 to two years of retraining costs, including tuition and related
17 costs, based on in-state community and technical college costs; (E)
18 peer counseling services during transition; (F) employment placement
19 services, prioritizing employment in the clean energy sector; and (G)
20 relocation expenses;

21 (iv) Direct investment in workforce development, via technical
22 education, community college, institutions of higher education,
23 apprenticeships, and other programs including, but not limited to:

24 (A) Initiatives to develop a forest health workforce established
25 under RCW 76.04.521; and

26 (B) Initiatives to develop new education programs, emerging
27 fields, or jobs pertaining to the clean energy economy;

28 (v) Transportation, municipal service delivery, and technology
29 investments that increase a community's capacity for clean
30 manufacturing, with an emphasis on communities in greatest need of
31 job creation and economic development and potential for commute
32 reduction;

33 (k) Programs, activities, or projects that reduce emissions from
34 landfills and waste-to-energy facilities through diversion of organic
35 materials, methane capture or conversion strategies, installation of
36 gas collection devices and gas control systems, monitoring and
37 reporting of methane emissions, or other means, prioritizing funding
38 needed for any activities by local governments to comply with chapter
39 70A.540 RCW;

1 (1) Carbon dioxide removal projects, programs, and activities;
2 ((and))

3 (m) Activities to support efforts to mitigate and adapt to the
4 effects of climate change affecting Indian tribes, including capital
5 investments in support of the relocation of Indian tribes located in
6 areas at heightened risk due to anticipated sea level rise, flooding,
7 or other disturbances caused by climate change. The legislature
8 intends to dedicate at least \$50,000,000 per biennium from the
9 account for purposes of this subsection; and

10 (n) Supplementing the port district environmental equity fund
11 established in section 10 of this act for the purpose of making
12 grants or loans to port districts to undertake remedial mitigation
13 programs under section 3 of this act or to comply with requirements
14 related to consultation with overburdened communities and vulnerable
15 populations prior to undertaking significant port actions under
16 section 7 of this act.

17 (2) Moneys in the account may not be used for projects or
18 activities that would violate tribal treaty rights or result in
19 significant long-term damage to critical habitat or ecological
20 functions. Investments from this account must result in long-term
21 environmental benefits and increased resilience to the impacts of
22 climate change.

23 (3) During the 2023-2025 fiscal biennium, the legislature may
24 appropriate moneys from the climate commitment account for activities
25 related to environmental justice, including implementation of chapter
26 314, Laws of 2021.

27 NEW SECTION. Sec. 10. A new section is added to chapter 53.20
28 RCW to read as follows:

29 (1) The port district environmental equity fund is created in the
30 state treasury. Moneys in the fund may be spent only after
31 appropriation. Moneys in the fund shall be used to make loans or
32 grants to port districts to undertake remedial mitigation programs
33 under section 3 of this act or to comply with requirements related to
34 significant port actions under section 7 of this act. Any payment of
35 either principal or interest, or both, derived from loans made from
36 this fund must be deposited into the fund.

37 (2) (a) The department of commerce shall provide management
38 services for the port district environmental equity fund. The
39 department shall establish procedures for fund management. The

1 department shall develop the grant or loan criteria, monitor the
2 grant or loan program, and select grant or loan recipients.

3 (b) A grant or loan may be awarded to port districts to undertake
4 remedial mitigation programs under section 3 of this act or to comply
5 with requirements related to significant port actions under section 7
6 of this act. In order to qualify for a grant or loan, a port district
7 must demonstrate that the action or actions it proposes to take is
8 likely to measurably improve the effectiveness of mitigation measures
9 taken under section 3 of this act or the communication and
10 consultation with overburdened communities and vulnerable populations
11 required under section 7 of this act.

12 (3) The department of commerce shall prepare and publish an
13 annual report on its website detailing grants and loans made under
14 this section, the uses to which the grants and loans have been put,
15 and the benefits that have been realized.

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