



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: June 21, 2022

TIME: 11:28 AM

WSR 22-13-152

Agency: Department of Labor and Industries (L&I)

Title of rule and other identifying information: (describe subject) Definition of ordinary maintenance. WAC 296-127-010, Definitions, for chapter 296-127 WAC, Prevailing Wage.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The legislature passed House Bill 1975 (HB 1975) relating to property management services provided to housing authority properties; amending RCW 35.82.070. HB 1975 specifies that certain revenues collected by a property management services company from housing project tenants, when used to pay for administrative operating and ordinary maintenance costs, are treated as private funds. HB 1975 also includes a definition of what "ordinary maintenance" is specific to Housing Authorities. L&I now needs to include this language in WAC 296-127-010 to ensure the rule definition of ordinary maintenance is consistent with the definition in statute.

Reasons supporting proposal: L&I must update the definition of "ordinary maintenance" in WAC 296-127-010 to ensure the rule definition is consistent with the definition created in statute, in RCW 35.82.070, through the passage of HB 1975.

Statutory authority for adoption: Chapter 39.12 RCW

Statute being implemented: HB 1975 (Chapter 273, Laws of 2022)

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Department of Laborer and Industries

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Reasa L Pearson	Tumwater, WA	360-902-5331
Implementation:	Peter Guzman	Tumwater, WA	360-902-5330
Enforcement:	Peter Guzman	Tumwater, WA	360-902-5330

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): Expedited rulemaking is appropriate because HB 1975 has passed, and includes a definition of what "ordinary maintenance" includes specific to Housing Authorities. L&I plans to mirror the language in our rules (WAC 296-127-010).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) August 22, 2022

Date: June 21, 2022

Name: Joel Sacks

Title: Director

Signature:

