



FOR IMMEDIATE RELEASE

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### **Senate Bill 5239 Passes, First Step in Reversing *Hirst* Court Ruling**

Senate bill 5239 passed by a 28-21 vote on Tuesday, February 28, which is a first step in an effort to put in place a legislative fix to a Washington State Supreme Court ruling known as the *Hirst* decision. The Senate bill is now on its way to the state's House of Representatives for consideration.

Earlier in the day on Tuesday, members of the Building Industry Association of Washington (BIAW), among others, staged a demonstration at Olympia's capitol in their continued effort to push for a fix to the *Hirst* court ruling that virtually eliminated water access to build new homes in rural communities and halted the construction of nearly all basic housing in those areas.

"Fix Hirst" is an effort by many organizations impacted by the ruling, including builders, to push legislators to find a solution for the ruling. Demonstrators carried the message that *Hirst* has critically blocked the building of shelter for families and will likely hurt economic opportunity in small towns and rural communities across the state.

"The *Hirst* decision is causing harm to small business builders, families and rural towns and counties," said BIAW President Ted Clifton. "Without water, there are no homes that can be built in these areas. This isn't the direction Washington state should take to promote affordable housing and economic prosperity for all its residents."

As part of "Fix Hirst," BIAW members were among the demonstrators that distributed refillable water bottles to Washington State legislators on Tuesday with a "message in a bottle" about *Hirst*. In addition, a website was set up at [www.fixhirst.com](http://www.fixhirst.com) with information about the court ruling, its impacts and what a fix should include.

On October 6, 2016, the Washington State Supreme Court in *Whatcom County v. Western Washington Growth Management Hearings Board (Hirst)* essentially changed state law for anyone that wants to put a new home on rural property that uses a domestic well as their main water source – the only option for many. This includes areas within a short drive of suburbs and urban areas in the Puget Sound and throughout Washington. Previously, a new home could use a well to supply water under state Department of Ecology rules. Now, under the court ruling, individuals who own land and want to build a home are at the mercy of what each county decides to require before it will issue a building permit. Those requirements likely include a hydrogeological study, costing thousands of dollars, to be submitted – and is not a guarantee of approval for a building permit.

"The result of *Hirst* has been to bring the building of new homes to a virtual dead stop in rural areas. Very few can build because of this ruling. The impacts are already being felt," said Clifton. "Without a fix, I expect it will create more economic hardship for small business builders and families that own land and want to build their dream homes. Down the road, I expect rural communities will begin to experience economic losses that just can't be made up from additional state tax revenues. It's a big issue that impacts the entire state."

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*Known as the "Champions of Affordable Housing," the Building Industry Association of Washington is the largest trade association in Washington State, representing nearly 8,000 member companies involved in the home building industry.*