

**WAC 286-13-085 Retroactive, preagreement, and increased costs.**

(1) Before execution of an agreement, the office shall not approve the disbursement of funds for project costs.

(2) The office will only reimburse costs that occur within the period of performance in the project agreement except for costs in subsections (3) and (4) of this section.

(3) The director may grant a waiver of retroactivity for acquiring real property whenever an applicant asserts, in writing, the justification for the critical need to purchase the property in advance of the project agreement along with any documentation required by the director. When evidence warrants, the director may grant the applicant permission to proceed by issuing a written waiver. This waiver of retroactivity will not be construed as approval of the proposed project. If the project is subsequently approved, however, the costs incurred will be eligible for grant funding. If the project is to remain eligible for funding from federal funds, the director shall not authorize a waiver of retroactivity to the applicant until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations. A waiver may be issued for more than one grant program.

(4) The only retroactive acquisition, development, and restoration costs eligible for grant funding are preagreement costs as defined by the board.

(5) Cost increases for approved projects may be granted by the board or director if financial resources are available and within the appropriation authorized by the legislature.

(a) Each cost increase request will be considered on its merits and the board's grant program policies.

(b) The director may approve a cost increase with authority delegated by the board.

(c) The director's approval of an acquisition project cost increase is limited to a parcel-by-parcel appraised and reviewed value.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210. WSR 16-16-001, § 286-13-085, filed 7/20/16, effective 8/20/16. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-085, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 98-08-014, § 286-13-085, filed 3/18/98, effective 4/18/98; WSR 97-08-003, § 286-13-085, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5) and 43.99.080(2). WSR 96-15-082, § 286-13-085, filed 7/18/96, effective 8/18/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 96-08-044, § 286-13-085, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-085, filed 8/17/94, effective 9/17/94.]