

**Chapter 133-40 WAC**  
**PUBLIC FACILITY LOANS AND GRANTS**

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**WAC 133-40-010 Purpose.** (1) Pursuant to chapter 43.160 RCW, the community economic revitalization board may, in its discretion, provide low-interest loans (and in unique circumstances, grants) to help finance the local public economic development infrastructure necessary to develop or retain stable business and industrial activity.

(2) The purpose of this chapter is to prescribe the form and manner in which local governments and federally recognized Indian tribes may make application to the board for funding assistance.

[Statutory Authority: RCW 43.160.050(8). WSR 20-07-074, § 133-40-010, filed 3/16/20, effective 4/16/20. Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-010, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-010, filed 5/2/83.]

**WAC 133-40-020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Local government" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(3) "Public infrastructure and planning" or "public economic development infrastructure" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of: Bridges; roads; research, testing, training, and incubation facilities in areas designated as innovation partnership zones under RCW 43.330.270; buildings or structures; domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications (broadband), transportation, natural gas, and port facilities; all for the purpose of job creation, job retention, or job expansion.

[Statutory Authority: RCW 43.160.050(8). WSR 20-07-074, § 133-40-020, filed 3/16/20, effective 4/16/20. Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-020, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-020, filed 5/2/83.]

**WAC 133-40-030 Loan and grant applications.** (1) Applications for funding to assist in financing public infrastructure and planning costs may be made by any local government and federally recognized Indian tribe of the state of Washington.

(2) Applications shall be submitted to the board in writing, on forms provided by the board, forty-five to sixty days prior to the next board meeting.

(3) Any application for funding assistance submitted to the board shall submit a signed resolution of the governing body of the applicant approving the submittal of the application. The applicant shall also provide the board with any additional materials or information in support of the application which the board or its staff may request, either prior to or at the board's consideration of the application.

(4) Once the application has passed a threshold review, staff will work with the applicant to vet the application and the project. Staff will write a staff recommendation to be submitted to the board.

[Statutory Authority: RCW 43.160.050(8). WSR 20-07-074, § 133-40-030, filed 3/16/20, effective 4/16/20. Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-030, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 84-21-124 (Order 84-1), § 133-40-030, filed 10/24/84; WSR 83-10-041 (Order 83-1), § 133-40-030, filed 5/2/83.]

**WAC 133-40-040 Board deliberations.** (1) The board will consider and approve, in whole or in part, or disapprove, all applications for funding assistance at regular or special meetings of the board as it determine.

(2) Applicants are required to attend the board meeting at which their project is being considered. For committed private partner applications, the committed private partner identified in the application is also required to attend. RCW 43.160.060 (2)(i).

(3) Attendance under extreme hardship circumstances, approved by the chair, could include electronic attendance.

(4) Applicants will be formally notified in writing regarding any board funding decisions.

[Statutory Authority: RCW 43.160.050(8). WSR 20-07-074, § 133-40-040, filed 3/16/20, effective 4/16/20. Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-040, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-040, filed 5/2/83.]

**WAC 133-40-050 Loan and grant contracts—Terms.** (1) Upon project approval by the board, an initial offer of funding assistance will be sent to the award recipient. The initial offer must be signed by the recipient by the date stated in the initial offer. If the initial offer is not signed within this time period, it will be assumed that the award recipient has chosen to withdraw from the project.

(2) Prior to execution of a final contract, the award recipients must meet precontract conditions as stated in the initial offer of funding assistance. The award recipient must have all precontract conditions fulfilled within the time period specified in the initial offer of funding assistance.

(3) If an extension of time to meet the precontract conditions is necessary, the award recipient may make a request in writing at least three weeks prior to the precontract conditions due date.

(4) Once CERB funds have been committed to a project and precontract conditions have been met, the board will execute a contract with the award recipient.

[Statutory Authority: RCW 43.160.050(8). WSR 20-07-074, § 133-40-050, filed 3/16/20, effective 4/16/20; WSR 83-10-041 (Order 83-1), § 133-40-050, filed 5/2/83.]

**WAC 133-40-060 Requests for reconsideration.** (1) Any local government or federally recognized Indian tribe whose governing body disagrees with the terms and conditions of the funding offered by the board may request the board in writing to reconsider, amend or modify its offer.

(2) Any local government or federally recognized Indian tribe whose application for funding assistance was denied in whole or in part by the board, may petition the board in writing, within fifteen days of notification, to reconsider its decision. Such requests for reconsideration will only be considered with new or additional information in support of the application that was not available to the board during its initial consideration.

[Statutory Authority: RCW 43.160.050(8). WSR 20-07-074, § 133-40-060, filed 3/16/20, effective 4/16/20; WSR 83-10-041 (Order 83-1), § 133-40-060, filed 5/2/83.]