

SENATE BILL REPORT

SB 6589

As Reported By Senate Committee On:
Government Operations, February 2, 1996

Title: An act relating to information from cities, towns, and counties regarding restrictions on real estate.

Brief Description: Informing owners about restrictions on real estate.

Sponsors: Senators Drew, Haugen, Hale, Spanel, Sheldon, Goings, Winsley, Finkbeiner, Snyder and Rasmussen.

Brief History:

Committee Activity: Government Operations: 1/24/96, 2/2/96 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6589 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Staff: Rod McAulay (786-7754)

Background: Counties, cities and towns are the governmental entities which are responsible for the regulation of land use. They control land usage through zoning ordinances and variances and through comprehensive plans which include designations of critical areas and other restrictions. There is concern that landowners have experienced difficulty in obtaining information from cities, towns and counties detailing the land use restrictions and limitations which apply to their parcel.

Summary of Substitute Bill: When a written request for a statement of restrictions from the owner of real estate is submitted to the city, town or county in which the property is located, the city, town or county must provide the owner with a statement that includes: (1) the current zoning and approved variances; (2) any pending zoning changes or variances; and (3) any designation of any portion of the property as agricultural land, forest land, mineral resource land, wetland, aquifer recharge area, fish and wildlife habitat conservation area, frequently flooded area, or geological hazardous area unless the information is not readily available, in which event, the city, town or county informs the owner of the procedure by which such information may be obtained. If the city, town or county fails to provide a complete statement of restrictions within 30 days, the requesting owner is awarded recovery of all attorneys' fees and costs incurred in any successful application for a writ of mandamus to compel production of a complete statement.

Substitute Bill Compared to Original Bill: The substitute added an optional response for counties or cities. When the information requested is not readily available, they may inform property owners of the procedure by which the information may be obtained.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect January 1, 1997.

Testimony For: This helps property owners plan. It will make local officials more responsive.

Testimony Against: The process may not work if not all information is available.

Testified: Dick Ducharme; Mary Anne Jones; Mike Ryherd; Bob Hart; Dave Williams; Charlie Brown.