
HOUSE BILL 1237

State of Washington

55th Legislature

1997 Regular Session

By Representatives Dunn, Sherstad and Sheldon

Read first time 01/20/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to relocation assistance; and amending RCW
2 59.18.440 and 82.02.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 59.18.440 and 1995 c 399 s 151 are each amended to
5 read as follows:

6 (1) Any city, town, county, or municipal corporation that is
7 required to develop a comprehensive plan under RCW 36.70A.040(1) is
8 authorized to ~~((require, after reasonable notice to the public and a
9 public hearing, property owners to))~~ provide ~~((their portion of))~~
10 reasonable relocation assistance to low-income tenants upon the
11 demolition, substantial rehabilitation whether due to code enforcement
12 or any other reason, or change of use of residential property, or upon
13 the removal of use restrictions in an assisted-housing development. No
14 city, town, county, or municipal corporation may require property
15 owners to provide relocation assistance to low-income tenants, as
16 defined in this chapter, ~~((upon the demolition, substantial
17 rehabilitation, upon the change of use of residential property, or upon
18 the removal of use restrictions in an assisted-housing development,))~~
19 except as expressly ~~((authorized herein or when authorized or))~~

1 required by state or federal law. As used in this section, "assisted
2 housing development" means a multifamily rental housing development
3 that either receives government assistance and is defined as federally
4 assisted housing in RCW 59.28.020, or that receives other federal,
5 state, or local government assistance and is subject to use
6 restrictions.

7 (2) As used in this section, "low-income tenants" means tenants
8 whose combined total income per dwelling unit is at or below fifty
9 percent of the median income, adjusted for family size, in the county
10 where the tenants reside.

11 The department of community, trade, and economic development shall
12 adopt rules defining county median income in accordance with the
13 definitions promulgated by the federal department of housing and urban
14 development.

15 ~~(3) ((A requirement that property owners provide relocation
16 assistance shall include the amounts of such assistance to be provided
17 to low-income tenants. In determining such amounts, the jurisdiction
18 imposing the requirement shall evaluate, and receive public testimony
19 on, what relocation expenses displaced tenants would reasonably incur
20 in that jurisdiction including:~~

21 ~~(a) Actual physical moving costs and expenses;~~

22 ~~(b) Advance payments required for moving into a new residence such
23 as the cost of first and last month's rent and security and damage
24 deposits;~~

25 ~~(c) Utility connection fees and deposits; and~~

26 ~~(d) Anticipated additional rent and utility costs in the residence
27 for one year after relocation.~~

28 ~~(4))~~(a) Relocation assistance provided to low-income tenants under
29 this section shall not exceed two thousand dollars for each dwelling
30 unit ~~((displaced by actions of the property owner under subsection (1)
31 of this section))~~. A city, town, county, or municipal corporation may
32 make future annual adjustments to the maximum amount of relocation
33 assistance required under this subsection in order to reflect any
34 changes in the housing component of the consumer price index as
35 published by the United States department of labor, bureau of labor
36 statistics.

37 ~~(b) ((The property owner's portion of any relocation assistance
38 provided to low-income tenants under this section shall not exceed one-~~

1 half of the required relocation assistance under (a) of this subsection
2 in cash or services.

3 (c) ~~The portion of relocation assistance not covered by the~~
4 ~~property owner under (b) of this subsection shall be paid by the city,~~
5 ~~town, county, or municipal corporation authorized to require relocation~~
6 ~~assistance under subsection (1) of this section.)~~ The relocation
7 assistance may be paid from proceeds collected from the excise tax
8 imposed under RCW 82.46.010.

9 ((5) ~~A city, town, county, or municipal corporation requiring the~~
10 ~~provision of relocation assistance under this section shall adopt~~
11 ~~policies, procedures, or regulations to implement such requirement.~~
12 ~~Such policies, procedures, or regulations shall include provisions for~~
13 ~~administrative hearings to resolve disputes between tenants and~~
14 ~~property owners relating to relocation assistance or unlawful detainer~~
15 ~~actions during relocation, and shall require a decision within thirty~~
16 ~~days of a request for a hearing by either a tenant or property owner.~~

17 ~~Judicial review of an administrative hearing decision relating to~~
18 ~~relocation assistance may be had by filing a petition, within ten days~~
19 ~~of the decision, in the superior court in the county where the~~
20 ~~residential property is located. Judicial review shall be confined to~~
21 ~~the record of the administrative hearing and the court may reverse the~~
22 ~~decision only if the administrative findings, inferences, conclusions,~~
23 ~~or decision is:~~

24 (a) ~~In violation of constitutional provisions;~~

25 (b) ~~In excess of the authority or jurisdiction of the~~
26 ~~administrative hearing officer;~~

27 (c) ~~Made upon unlawful procedure or otherwise is contrary to law;~~
28 ~~or~~

29 (d) ~~Arbitrary and capricious.~~

30 (6) ~~Any city, town, county, or municipal corporation may require~~
31 ~~relocation assistance, under the terms of this section, for otherwise~~
32 ~~eligible tenants whose living arrangements are exempted from the~~
33 ~~provisions of this chapter under RCW 59.18.040(3) and if the living~~
34 ~~arrangement is considered to be a rental or lease pursuant to RCW~~
35 ~~67.28.180(1).~~

36 (7)(a) ~~Persons who move from a dwelling unit prior to the~~
37 ~~application by the owner of the dwelling unit for any governmental~~
38 ~~permit necessary for the demolition, substantial rehabilitation, or~~
39 ~~change of use of residential property or prior to any notification or~~

1 ~~filing required for condominium conversion shall not be entitled to the~~
2 ~~assistance authorized by this section.~~

3 ~~(b) Persons who move into a dwelling unit after the application for~~
4 ~~any necessary governmental permit or after any required condominium~~
5 ~~conversion notification or filing shall not be entitled to the~~
6 ~~assistance authorized by this section if such persons receive written~~
7 ~~notice from the property owner prior to taking possession of the~~
8 ~~dwelling unit that specifically describes the activity or condition~~
9 ~~that may result in their temporary or permanent displacement and~~
10 ~~advises them of their ineligibility for relocation assistance.))~~

11 **Sec. 2.** RCW 82.02.020 and 1996 c 230 s 1612 are each amended to
12 read as follows:

13 Except only as expressly provided in RCW 67.28.180 and 67.28.190
14 and the provisions of chapter 82.14 RCW, the state preempts the field
15 of imposing taxes upon retail sales of tangible personal property, the
16 use of tangible personal property, parimutuel wagering authorized
17 pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county,
18 town, or other municipal subdivision shall have the right to impose
19 taxes of that nature. Except as provided in RCW 82.02.050 through
20 82.02.090, no county, city, town, or other municipal corporation shall
21 impose any tax, fee, or charge, either direct or indirect, on the
22 construction or reconstruction of residential buildings, commercial
23 buildings, industrial buildings, or on any other building or building
24 space or appurtenance thereto, or on the development, subdivision,
25 classification, or reclassification of land. However, this section
26 does not preclude dedications of land or easements within the proposed
27 development or plat which the county, city, town, or other municipal
28 corporation can demonstrate are reasonably necessary as a direct result
29 of the proposed development or plat to which the dedication of land or
30 easement is to apply.

31 This section does not prohibit voluntary agreements with counties,
32 cities, towns, or other municipal corporations that allow a payment in
33 lieu of a dedication of land or to mitigate a direct impact that has
34 been identified as a consequence of a proposed development,
35 subdivision, or plat. A local government shall not use such voluntary
36 agreements for local off-site transportation improvements within the
37 geographic boundaries of the area or areas covered by an adopted

1 transportation program authorized by chapter 39.92 RCW. Any such
2 voluntary agreement is subject to the following provisions:

3 (1) The payment shall be held in a reserve account and may only be
4 expended to fund a capital improvement agreed upon by the parties to
5 mitigate the identified, direct impact;

6 (2) The payment shall be expended in all cases within five years of
7 collection; and

8 (3) Any payment not so expended shall be refunded with interest at
9 the rate applied to judgments to the property owners of record at the
10 time of the refund; however, if the payment is not expended within five
11 years due to delay attributable to the developer, the payment shall be
12 refunded without interest.

13 No county, city, town, or other municipal corporation shall require
14 any payment as part of such a voluntary agreement which the county,
15 city, town, or other municipal corporation cannot establish is
16 reasonably necessary as a direct result of the proposed development or
17 plat.

18 Nothing in this section prohibits cities, towns, counties, or other
19 municipal corporations from collecting reasonable fees from an
20 applicant for a permit or other governmental approval to cover the cost
21 to the city, town, county, or other municipal corporation of processing
22 applications, inspecting and reviewing plans, or preparing detailed
23 statements required by chapter 43.21C RCW.

24 This section does not limit the existing authority of any county,
25 city, town, or other municipal corporation to impose special
26 assessments on property specifically benefitted thereby in the manner
27 prescribed by law.

28 Nothing in this section prohibits counties, cities, or towns from
29 imposing or permits counties, cities, or towns to impose water, sewer,
30 natural gas, drainage utility, and drainage system charges: PROVIDED,
31 That no such charge shall exceed the proportionate share of such
32 utility or system's capital costs which the county, city, or town can
33 demonstrate are attributable to the property being charged: PROVIDED
34 FURTHER, That these provisions shall not be interpreted to expand or
35 contract any existing authority of counties, cities, or towns to impose
36 such charges.

37 Nothing in this section prohibits a transportation benefit district
38 from imposing fees or charges authorized in RCW 36.73.120 nor prohibits

1 the legislative authority of a county, city, or town from approving the
2 imposition of such fees within a transportation benefit district.

3 Nothing in this section prohibits counties, cities, or towns from
4 imposing transportation impact fees authorized pursuant to chapter
5 39.92 RCW.

6 ~~((Nothing in this section prohibits counties, cities, or towns from
7 requiring property owners to provide relocation assistance to tenants
8 under RCW 59.18.440 and 59.18.450.))~~

9 This section does not apply to special purpose districts formed and
10 acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority
11 conferred by these titles affected.

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