
SENATE BILL 5249

State of Washington

57th Legislature

2001 Regular Session

By Senators Stevens, Swecker, Hochstatter, Morton, Long, Winsley, Rossi, West, T. Sheldon, Oke and Hewitt

Read first time 01/17/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to compensation for land use actions that cause
2 reductions in the value of property; adding a new chapter to Title 64
3 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Compensation" means remuneration that equals the reduction in
8 the fair market value of private real property that is attributable to
9 a restriction on the use of the property or any part thereof.

10 (2) "Government entity" means Washington state, state agencies,
11 agencies and commissions funded, in whole or in part, by the state,
12 counties, cities, towns, special districts, municipal corporations, or
13 quasi-municipal corporations.

14 (3) "Real property" means any interest in real property recognized
15 under Washington law, including but not limited to, water, crops,
16 forest products, minerals, or other natural resources.

17 NEW SECTION. **Sec. 2.** If any action by a government entity to
18 change the land use or zoning status of real property causes a

1 reduction in the use or exchange value of that property, the property
2 is considered to have been taken for the use of the public.

3 NEW SECTION. **Sec. 3.** (1) The owner of the property that is taken
4 under section 2 of this act has a right to either:

5 (a) Require condemnation by and just compensation from the
6 government entity that took the action; or

7 (b) Receive compensation for the reduction in value caused by the
8 government entity's action.

9 (2) Property owners are entitled to a jury trial on the amount of
10 compensation required under this chapter.

11 NEW SECTION. **Sec. 4.** A government entity is liable to a
12 prevailing property owner for the reasonable and necessary costs of any
13 actions brought under this chapter, plus any actual and demonstrable
14 economic losses suffered by the property owner due to the government
15 entity's regulation during the period in which it was in effect.

16 NEW SECTION. **Sec. 5.** If any action by a government entity results
17 in a taking of property under this chapter and causes a reduction in
18 the full cash value of real property, the government entity's assessor
19 or, if appropriate, the department of revenue, shall reflect the
20 reduction in valuation by reducing the assessed valuation of the
21 property on the tax rolls as of the next valuation date.

22 NEW SECTION. **Sec. 6.** This chapter shall not be construed as an
23 exclusive remedy or to diminish other rights of property owners under
24 existing law.

25 NEW SECTION. **Sec. 7.** This chapter does not apply in the case of
26 an exercise of police power to prevent noxious use of property or
27 tangible harm to the health and safety of the public.

28 NEW SECTION. **Sec. 8.** This chapter may be known and cited as the
29 property investment protection act.

30 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2002.

1 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
2 a new chapter in Title 64 RCW.

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