
SENATE BILL 6210

State of Washington 57th Legislature 2001 Second Special Session

By Senators Swecker, Carlson, Morton, Oke and Roach

Read first time . Referred to Committee on .

1 AN ACT Relating to compensation for land use actions that cause
2 reductions in the value of property; adding a new section to chapter
3 19.85 RCW; adding a new chapter to Title 64 RCW; and providing an
4 effective date.

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

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

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

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

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

1 NEW SECTION. **Sec. 2.** (1) If any action by a government entity to
2 change the land use or zoning status of real property causes at least
3 a thirty percent reduction in the use or exchange value of that
4 property, the property is considered to have been taken for the use of
5 the public.

6 (2) The owner of the property that is taken under subsection (1) of
7 this section has a right to receive compensation for the reduction in
8 value caused by the government entity's action.

9 (3) If, in an action under this chapter, a court awards
10 compensation to a property owner, the court may also award reasonable
11 attorneys' fees and costs to such property owner.

12 NEW SECTION. **Sec. 3.** If any action by a government entity results
13 in a taking of property under this chapter and causes at least a thirty
14 percent reduction in the full cash value of real property, the
15 government entity's assessor or, if appropriate, the department of
16 revenue shall reflect the reduction in valuation by reducing the
17 assessed valuation of the property on the tax rolls as of the next
18 valuation date.

19 NEW SECTION. **Sec. 4.** This chapter shall not be construed as an
20 exclusive remedy or to diminish other rights of property owners under
21 existing law.

22 NEW SECTION. **Sec. 5.** This chapter does not apply in the case of
23 an exercise of police power to prevent noxious use of property or
24 tangible harm to the health and safety of the public.

25 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2002.

26 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.85 RCW
27 to read as follows:

28 (1) In the adoption of a rule under chapter 34.05 RCW, an agency
29 shall prepare a takings analysis: (a) If the proposed rule will cause
30 a reduction in the use or exchange value of any private property; or
31 (b) if requested to do so by a majority vote of the joint
32 administrative rules review committee within forty-five days of
33 receiving the notice of proposed rule making under RCW 34.05.320.

1 An agency shall prepare a takings analysis in accordance with
2 subsection (2) of this section, and file it with the code reviser along
3 with the notice required under RCW 34.05.320. An agency shall file a
4 takings analysis prepared at the request of the joint administrative
5 rules review committee with the code reviser upon its completion before
6 the adoption of the rule. An agency shall provide a copy of the
7 takings analysis to any person requesting it.

8 (2) A takings analysis must include:

9 (a) A brief description of the elements of a rule that would place
10 new restrictions on the use or exchange value of private property; and

11 (b) A statement of the steps taken by the agency to reduce or
12 eliminate any reduction in the use or exchange value of any private
13 property, or reasonable justification for not doing so.

14 (3) To obtain information for purposes of this section, an agency
15 may survey a representative sample of affected private property and
16 should, whenever possible, appoint a committee under RCW 34.05.310(2)
17 to assist in the accurate assessment of the impact of a proposed rule,
18 and the means to reduce the impact.

19 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute
20 a new chapter in Title 64 RCW.

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