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HOUSE BILL 1931

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Hasegawa, Upthegrove, Schual-Berke, McDermott and  
Cody

Read first time 02/10/2005. Referred to Committee on Local Government.

1 AN ACT Relating to easements and damage waivers with respect to  
2 aircraft noise mitigation programs; and amending RCW 53.54.030.

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

4 **Sec. 1.** RCW 53.54.030 and 1993 c 150 s 1 are each amended to read  
5 as follows:

6 For the purposes of this chapter, in developing a remedial program,  
7 the port commission may utilize one or more of the following programs:

8 (1) Acquisition of property or property rights within the impacted  
9 area, which shall be deemed necessary to accomplish a port purpose.  
10 The port district may purchase such property or property rights by time  
11 payment notwithstanding the time limitations provided for in RCW  
12 53.08.010. The port district may mortgage or otherwise pledge any such  
13 properties acquired to secure such transactions. The port district may  
14 assume any outstanding mortgages.

15 (2) Transaction assistance programs, including assistance with real  
16 estate fees and mortgage assistance, and other neighborhood remedial  
17 programs as compensation for impacts due to aircraft noise and noise  
18 associated conditions. Any such programs shall be in connection with

1 properties located within an impacted area and shall be provided upon  
2 terms and conditions as the port district shall determine appropriate.

3 (3) Programs of soundproofing structures located within an impacted  
4 area. Such programs may be executed without regard to the ownership(~~(~~  
5 ~~provided the owner waives damages and conveys an easement for the~~  
6 ~~operation of aircraft, and for noise and noise associated conditions~~  
7 ~~therewith, to the port district)) of the structure. The port district  
8 shall not require that a property owner either convey an easement for  
9 the operation of aircraft, or waive potential damage claims for noise  
10 and noise-associated conditions, as a condition precedent to  
11 participation in the soundproofing program authorized under this  
12 section.~~

13 (4) Mortgage insurance of private owners of lands or improvements  
14 within such noise impacted area where such private owners are unable to  
15 obtain mortgage insurance solely because of noise impact. In this  
16 regard, the port district may establish reasonable regulations and may  
17 impose reasonable conditions and charges upon the granting of such  
18 mortgage insurance: PROVIDED, That such fees and charges shall at no  
19 time exceed fees established for federal mortgage insurance programs  
20 for like service.

21 (5) An individual property may be provided benefits by the port  
22 district under each of the programs described in subsections (1)  
23 through (4) of this section. However, an individual property may not  
24 be provided benefits under any one of these programs more than once,  
25 unless the property is subjected to increased aircraft noise or  
26 differing aircraft noise impacts that would have afforded different  
27 levels of mitigation, even if the property owner had waived all damages  
28 and conveyed a full and unrestricted easement.

29 (6) Management of all lands, easements, or development rights  
30 acquired, including but not limited to the following:

31 (a) Rental of any or all lands or structures acquired;

32 (b) Redevelopment of any such lands for any economic use consistent  
33 with airport operations, local zoning and the state environmental  
34 policy;

35 (c) Sale of such properties for cash or for time payment and  
36 subjection of such property to mortgage or other security transaction:  
37 PROVIDED, That any such sale shall reserve to the port district by

1 covenant an unconditional right of easement for the operation of all  
2 aircraft and for all noise or noise conditions associated therewith.

3 (7) A property shall be considered within the impacted area if any  
4 part thereof is within the impacted area.

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