

# SENATE BILL REPORT

## SB 6349

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As of February 10, 2014

**Title:** An act relating to eminent domain.

**Brief Description:** Implementing requirements for the condemnation of real property.

**Sponsors:** Senators Roach, Angel and Honeyford.

**Brief History:**

**Committee Activity:** Governmental Operations: 2/04/14, 2/06/14 [DPF].

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Staff:** Karen Epps (786-7424)

**Background:** Under the Community Renewal Law, municipalities may determine whether areas are blighted, acquire property in blighted areas through purchase or eminent domain, and hold, improve, clear, or prepare blighted areas for redevelopment. A municipality may exercise its powers under the Community Renewal Law for several enumerated purposes, including in the interests of the public health, safety, morals, or welfare of the residents of the municipality, and to prevent the development and spread of blighted areas.

Before a municipality may exercise its authority under the Community Renewal Law, it must adopt an ordinance or resolution that finds that one or more blighted areas exist within the municipality and the rehabilitation or redevelopment of the areas is necessary in the interest of public health, safety, morals, or welfare of the residents of the municipality.

The municipality may acquire property for community renewal through eminent domain. Compensation for the property may not be increased by reason of any increase in the value of the property caused by the actual or proposed assembly, clearance, or reconstruction in the project area. Likewise, no allowance may be made for improvements to the property made after notice of the institution of condemnation proceedings. In a condemnation proceeding, evidence relevant to the unsanitary, unsafe, or substandard condition of the premises, or the unlawful use thereof, is admissible.

**Summary of Bill:** In any judicial action to condemn blighted areas, a municipality may not condemn any aggregate area of real property unless the municipality:

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- demonstrates that each separate and distinct interest in real property within the aggregate area poses an identifiable threat to public health, safety, or welfare by reason of the unsanitary, unsafe, or substandard condition of the premises, or unlawful use of the premises; and
- demonstrates that reasonable actions to mitigate the threat or conditions have been attempted with no substantial improvement in the condition of the property.

Reasonable actions may include administrative actions by the municipality, court actions other than condemnation proceedings, actions by the owner of the premises to come into compliance with code, and other reasonable accommodations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Cities use this law to condemn multiple properties, sometimes when only one property in the area is blighted. Cities use this authority to condemn property for redevelopment. Cities will come in and offer pennies on the dollar for property that it wants to use for economic development. It is unfair to have someone else's blighted property be used to condemn another person's property. This bill addresses the effort by planners in some cities who are using this law to enforce their utopian planning schemes against the will of the local residents through the abuse of eminent domain. The term blight has frequently been used to destroy neighborhoods considered low brow or properties that might not conform to the latest trendy idea from the planners' offices. In the city of Olympia, consultants have been hired to find blight in the city because the elected officials are certain that it is here somewhere. Blight is a term of art rather than an exact science. The impact to property owners can be devastating. This bill still allows the use of eminent domain for true health hazards, but it will make this activity a last resort.

**Persons Testifying:** PRO: Senator Roach, prime sponsor; Glen Morgan, Freedom Foundation.