
SUBSTITUTE SENATE BILL 5809

State of Washington 64th Legislature 2015 Regular Session

By Senate Law & Justice (originally sponsored by Senator Benton)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to providing comprehensive information in writing
2 to real property owners during negotiations for the acquisition of
3 the property by government agencies; and amending RCW 8.26.180.

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

5 **Sec. 1.** RCW 8.26.180 and 2011 c 336 s 282 are each amended to
6 read as follows:

7 Every acquiring agency shall, to the greatest extent practicable,
8 be guided by the following policies:

9 (1) Every reasonable effort shall be made to acquire
10 expeditiously real property by negotiation.

11 (2) Real property shall be appraised before the initiation of
12 negotiations, and the owner or his or her designated representative
13 shall be given an opportunity to accompany at least one appraiser of
14 the acquiring agency during his or her inspection of the property,
15 except that the lead agency may prescribe a procedure to waive the
16 appraisal in cases involving the acquisition of property with a low
17 fair market value.

18 (3)(a) Before the initiation of negotiations for real property,
19 the acquiring agency shall establish an amount which it believes to
20 be just compensation therefor, and shall make a prompt offer to
21 acquire the property for the full amount so established. In no event

1 shall such amount be less than the agency's approved appraisal of the
2 fair market value of such property. Any decrease or increase in the
3 fair market value of the real property to be acquired prior to the
4 date of valuation caused by the public improvement for which such
5 property is acquired, or by the likelihood that the property would be
6 acquired for such improvement, other than that due to physical
7 deterioration within the reasonable control of the owner, will be
8 disregarded in determining the compensation for the property.
9 Consistent with (b) of this subsection, the acquiring agency shall
10 provide the owner of real property to be acquired with a written
11 statement of, and summary of the basis for, the amount it established
12 as just compensation. Where appropriate, the just compensation for
13 the real property acquired, for damages to remaining real property,
14 and for benefits to remaining real property shall be separately
15 stated.

16 (b) The acquiring agency must not rely on oral statements of
17 value when establishing an amount to be just compensation under (a)
18 of this subsection. At the time the offer is made, the acquiring
19 agency must disclose any documents relied on to establish value.

20 (4) No owner shall be required to surrender possession of real
21 property before the agreed purchase price is paid or deposited with a
22 court having jurisdiction of condemnation of such property, in
23 accordance with applicable law, for the benefit of the owner an
24 amount not less than the acquiring agency's approved appraisal of the
25 fair market value of such property, or the amount of the award of
26 compensation in the condemnation proceeding of such property.

27 (5) The construction or development of a public improvement shall
28 be so scheduled that, to the greatest extent practicable, no person
29 lawfully occupying real property shall be required to move from a
30 dwelling or to move his or her business or farm operation without at
31 least ninety days written notice of the date by which such move is
32 required.

33 (6) If an owner or tenant is permitted to occupy the real
34 property acquired on a rental basis for a short term or for a period
35 subject to termination on short notice, the amount of rent required
36 shall not exceed the fair rental value of the property to a short-
37 term occupier.

38 (7) In no event shall the time of condemnation be advanced,
39 (~~or~~) or negotiations or condemnation and the deposit of funds in
40 court for the use of the owner be deferred, or any other coercive

1 action be taken to compel an agreement on the price to be paid for
2 the property.

3 (8) If an interest in real property is to be acquired by exercise
4 of the power of eminent domain, formal condemnation proceedings shall
5 be instituted. The acquiring agency shall not intentionally make it
6 necessary for an owner to institute legal proceedings to prove the
7 fact of the taking of his or her real property.

8 (9) If the acquisition of only a portion of a property would
9 leave the owner with an uneconomic remnant, the head of the agency
10 concerned shall offer to acquire that remnant. For the purposes of
11 this chapter, an uneconomic remnant is a parcel of real property in
12 which the owner is left with an interest after the partial
13 acquisition of the owner's property and that the head of the agency
14 concerned has determined has little or no value or utility.

15 (10) A person whose real property is being acquired in accordance
16 with this chapter may, after the person has been fully informed of
17 his or her right to receive just compensation for the property,
18 donate the property, any part thereof, any interest therein, or any
19 compensation paid for it to any agency as the person may determine.

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