
SENATE BILL 5809

State of Washington

64th Legislature

2015 Regular Session

By Senator Benton

Read first time 02/03/15. Referred to Committee on Law & Justice.

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) At any time before, during, or after the initiation of
17 negotiations, any information, opinion, or advice forming the basis
18 of any offer to acquire the real property made by the acquiring
19 agency including, but not limited to, an appraisal or informal verbal
20 advice or opinions, must be made available in writing to the owner of
21 the real property at the time the offer is made.

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

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

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

1 (7) In no event shall the time of condemnation be advanced,
2 ((~~or~~)) or negotiations or condemnation and the deposit of funds in
3 court for the use of the owner be deferred, or any other coercive
4 action be taken to compel an agreement on the price to be paid for
5 the property.

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

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

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

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