

SB 5049 - H COMM AMD
By Committee on Judiciary

ADOPTED 04/05/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 8.26.010 and 1988 c 90 s 1 are each amended to read
4 as follows:

5 (1) The purposes of this chapter are:

6 (a) To establish a uniform policy for the fair and equitable
7 treatment of persons displaced as a direct result of public works
8 programs of the state and local governments in order that such
9 persons shall not suffer disproportionate injuries as a result of
10 programs designed for the benefit of the public as a whole and to
11 minimize the hardship of displacement on such persons;

12 (b) To encourage and expedite the acquisition of real property
13 for public works programs by agreements with owners, to reduce
14 litigation and relieve congestion in the courts, to assure consistent
15 treatment for owners affected by state and local programs, and to
16 promote public confidence in state and local land acquisition
17 practices;

18 (c) To require the state, local public agencies, and other
19 persons who have the authority to acquire property by eminent domain
20 under state law to comply with the provisions of this act in order to
21 assure the fair and equitable treatment of all persons and property
22 owners impacted by public projects.

23 ~~(2) ((Notwithstanding the provisions and limitations of this~~
24 ~~chapter requiring a local public agency to comply with the provisions~~
25 ~~of this chapter, the governing body of any local public agency may~~
26 ~~elect not to comply with the provisions of RCW 8.26.035 through~~
27 ~~8.26.115 in connection with a program or project not receiving~~
28 ~~federal financial assistance. Any person who has the authority to~~
29 ~~acquire property by eminent domain under state law may elect not to~~
30 ~~comply with RCW 8.26.180 through 8.26.200 in connection with a~~
31 ~~program or project not receiving federal financial assistance.~~

1 ~~(3))~~ Any determination by the head of a state agency or local
2 public agency administering a program or project as to payments under
3 this chapter is subject to review pursuant to chapter 34.05 RCW;
4 otherwise, no provision of this chapter may be construed to give any
5 person a cause of action in any court.

6 ~~((4))~~ (3) Unless otherwise prohibited by law, any state or
7 local public agency providing a grant, loan, or matching funds for
8 any program or project that displaces persons who are eligible for
9 relocation assistance under this chapter may not limit, restrict, or
10 otherwise prohibit grant, loan, or matching fund money from being
11 used for any required relocation assistance payments.

12 (4) The governing body of any local public agency may elect not
13 to comply with the provisions of RCW 8.26.035 through 8.26.115 in
14 connection with a program or project not receiving federal financial
15 assistance initiated on or before December 31, 2017.

16 (5) Nothing in this chapter may be construed as creating in any
17 condemnation proceedings brought under the power of eminent domain,
18 any element of value or of damage not in existence immediately before
19 March 16, 1988."

20 Correct the title.

EFFECT: Prohibits state and local public agencies that provide a grant, loan, or matching funds for a program or project that displaces persons eligible for relocation assistance from limiting, restricting, or otherwise prohibiting grant, loan, or matching fund money from being used for any required relocation assistance payments.

Allows local public agencies to opt out of complying with the relocation assistance payment requirements for programs and projects not receiving federal financial assistance initiated on or before December 31, 2017.

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