
Local Government Committee

HB 1959

Brief Description: Requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government.

Sponsors: Representatives Harmsworth, Pollet, Young and Van Werven.

Brief Summary of Bill

- Requires any city, town, code city, county, or municipal corporation to provide notice and hold a hearing prior to removing, vacating, or extinguishing a restrictive covenant from land that it owns.

Hearing Date: 2/14/17

Staff: Desiree Omli (786-7383)

Background:

Generally, the owner of real property has a right to use the property as they choose. Sometimes, the property may be subject to certain encumbrances, such as easements, covenants, or other restrictions. A covenant is an agreement between two parties about what can or cannot be done to or on the property. Typically, a restrictive covenant is an agreement between parties to refrain from doing something on or to the land.

Counties, cities, towns, and other metropolitan municipal corporations may hold or acquire a development right, easement, covenant, restriction, or other right or interest in land. These restrictions on the real property may serve to protect, preserve, maintain, improve, restore, limit the future use of, or conserve for open space purposes, any land or improvement on the land. This right or interest is classified as real property.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Cities, towns, municipal corporations, code cities, and counties that wish to remove, vacate, or extinguish a restrictive covenant from property owned by the local government must first hold a public hearing. The local government must provide notice of the public hearing at least 10 days before the hearing at its usual place of business, and issue a press release to local media providing the date, time, location, and reason for the public hearing. The notice must be posted on the local government's website if it is updated for any reason before the hearing date. The notice must also identify the property and provide a brief explanation of the restrictive covenant that the local government is proposing to remove, vacate, or extinguish.

At the public hearing, members of the public, in person or by council, are allowed to provide testimony regarding the proposed action.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.