

HOUSE BILL REPORT

HB 1959

As Passed House:
February 27, 2017

Title: An act relating to requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government.

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 History:

Committee Activity:

Local Government: 2/14/17, 2/15/17 [DP].

Floor Activity:

Passed House: 2/27/17, 96-0.

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.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson, Peterson and Taylor.

Staff: Desiree Omlı (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

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.

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:

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.

Staff Summary of Public Testimony:

(In support) This bill arises from a local issue with a city council that was gifted parcels of land for park use. The city removed the restriction without a public hearing through its own process, and the first time the public heard about the removal was when a developer applied for a change of use. This bill would ensure that the public is aware of changes to land by requiring local governments to hold a public hearing first. It does not stop the change from occurring necessarily, but it gets the public involved in the process to be able to comment or express support or opposition to the change. This deals with municipal-owned properties, and will offer transparency in local governments and give the public the opportunity to weigh in.

(Opposed) None.

Persons Testifying: Representative Harmsworth, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.