

HB 2315 - S COMM AMD
By Committee on Local Government

ADOPTED 03/04/2020

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

3 "Sec. 1. RCW 53.54.030 and 1993 c 150 s 1 are each amended to
4 read as follows:

5 For the purposes of this chapter, in developing a remedial
6 program, the port commission may utilize one or more of the following
7 programs:

8 (1) Acquisition of property or property rights within the
9 impacted area, which shall be deemed necessary to accomplish a port
10 purpose. The port district may purchase such property or property
11 rights by time payment notwithstanding the time limitations provided
12 for in RCW 53.08.010. The port district may mortgage or otherwise
13 pledge any such properties acquired to secure such transactions. The
14 port district may assume any outstanding mortgages.

15 (2) Transaction assistance programs, including assistance with
16 real estate fees and mortgage assistance, and other neighborhood
17 remedial programs as compensation for impacts due to aircraft noise
18 and noise associated conditions. Any such programs shall be in
19 connection with properties located within an impacted area and shall
20 be provided upon terms and conditions as the port district shall
21 determine appropriate.

22 (3) Programs of soundproofing structures located within an
23 impacted area. Such programs may be executed without regard to the
24 ownership, provided the owner waives damages and conveys an easement
25 for the operation of aircraft, and for noise and noise associated
26 conditions therewith, to the port district.

27 (4) Mortgage insurance of private owners of lands or improvements
28 within such noise impacted area where such private owners are unable
29 to obtain mortgage insurance solely because of noise impact. In this
30 regard, the port district may establish reasonable regulations and
31 may impose reasonable conditions and charges upon the granting of
32 such mortgage insurance: PROVIDED, That such fees and charges shall

1 at no time exceed fees established for federal mortgage insurance
2 programs for like service.

3 (5)(a) An individual property may be provided benefits by the
4 port district under each of the programs described in subsections (1)
5 through (4) of this section. However, an individual property may not
6 be provided benefits under any one of these programs more than once,
7 unless the property (~~is~~):

8 (i) Is subjected to increased aircraft noise or differing
9 aircraft noise impacts that would have afforded different levels of
10 mitigation, even if the property owner had waived all damages and
11 conveyed a full and unrestricted easement; or

12 (ii) Contains a soundproofing installation, structure, or other
13 type of sound mitigation equipment product or benefit previously
14 installed pursuant to the remedial program under this chapter by the
15 port district that is determined through inspection to be in need of
16 a repair or replacement.

17 (b) Port districts choosing to exercise the authority under
18 (a)(ii) of this subsection are required to conduct inspections of
19 homes where mitigation improvements are no longer working as
20 intended. In those properties, port districts must work with a state
21 certified building inspector to determine whether package failure
22 resulted in additional hazards or structural damage to the property.

23 (6) Management of all lands, easements, or development rights
24 acquired, including but not limited to the following:

25 (a) Rental of any or all lands or structures acquired;

26 (b) Redevelopment of any such lands for any economic use
27 consistent with airport operations, local zoning and the state
28 environmental policy;

29 (c) Sale of such properties for cash or for time payment and
30 subjection of such property to mortgage or other security
31 transaction: PROVIDED, That any such sale shall reserve to the port
32 district by covenant an unconditional right of easement for the
33 operation of all aircraft and for all noise or noise conditions
34 associated therewith.

35 (7) A property shall be considered within the impacted area if
36 any part thereof is within the impacted area."

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1 On page 1, line 2 of the title, after "area;" strike the
2 remainder of the title and insert "and amending RCW 53.54.030."

EFFECT: Specifies that the determination of whether the mitigation equipment is in need of repair or replacement is made through inspection. Requires port districts exercising the mitigation authority to conduct inspections of homes where mitigation improvements are no longer working as intended. In those properties, port districts must work with a state certified building inspector to determine whether package failure resulted in additional hazards or structural damage to the property.

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