

RCW 53.54.030 Authorized programs—When property deemed within impacted area—Noise mitigation grant program. (1) For the purposes of this chapter, in developing a remedial program, the port commission may take steps as appropriate including, but not limited to, one or more of the following programs:

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

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

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

(d) Mortgage insurance of private owners of lands or improvements within such noise impacted area where such private owners are unable to obtain mortgage insurance solely because of noise impact. In this regard, the port district may establish reasonable regulations and may impose reasonable conditions and charges upon the granting of such mortgage insurance. Such mortgage insurance fees and charges shall at no time exceed fees established for federal mortgage insurance programs for like service.

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

(i) Rental of any or all lands or structures acquired;

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

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

(2) (a) An individual property may be provided benefits by the port district under each of the programs described in subsection (1) of this section. However, an individual property may not be provided benefits under any one of these programs more than once, unless the property:

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

(ii) Contains a soundproofing installation, structure, or other type of sound mitigation equipment product or benefit previously installed pursuant to the remedial program under this chapter by the

port district that is determined through inspection to be in need of a repair or replacement.

(b) Port districts choosing to exercise the authority under (a)(ii) of this subsection are required to conduct inspections of homes where mitigation improvements are no longer working as intended. In those properties, port districts may contract with building inspectors or other professionals with experience in sound testing, or window and door installs, or port districts may enter into an interlocal agreement under chapter 39.34 RCW with the county in which the port is located to contract for the provision of building inspectors or professionals with experience in sound testing, or window and door installs to determine whether package failure resulted in additional hazards or structural damage to the property. Any expense incurred by the county related to contracting of a building inspector or professional under this subsection (2)(b) must be reimbursed by the port district. A port district may use funds from the grant program created under RCW 43.330.610 to reimburse the county for expenses incurred for the contracting of a building inspector or other professional.

(c) Port districts choosing to exercise their authority under (b) of this subsection may apply to the grant program created under RCW 43.330.610 for resources to facilitate the assessment and inspection of noise mitigation equipment that is no longer working as intended, or is reported to have caused additional hazards or structural damage to the property.

(d) If a building inspector or other professional contracted pursuant to (c) of this subsection identifies that a property's noise mitigation equipment is no longer working as intended, then the associated port district must apply to the grant program created under RCW 43.330.610 for resources to repair or replace existing noise mitigation equipment. If an inspection confirms that installation of noise mitigation equipment resulted in additional hazards or structural damage to the property, then a port district must apply to the grant program under RCW 43.330.610 for resources to address those hazards or damages.

(3) A property shall be considered within the impacted area if any part thereof is within the impacted area. [2024 c 194 s 3; 2021 c 65 s 3. Prior: 2020 c 112 s 1; 2020 c 105 s 3; 1993 c 150 s 1; 1985 c 115 s 1; 1974 ex.s. c 121 s 3.]

Legislative findings—Intent—2024 c 194: "Airports are an important part of Washington's economy. Airports enable travel for business or recreation, allow for the transportation of cargo, and provide thousands of jobs for the people of the state.

For those living near an airport, there can also be adverse impacts from aircraft operations. In King county, the majority of people identifying as Black, Hispanic, Native Hawaiian, or Pacific Islander live within 10 miles of Seattle-Tacoma international airport.

Large port districts operating commercial service airports that administer aircraft noise mitigation programming have expressed a desire and intention to repair or replace aircraft noise mitigation equipment that has been found to be no longer working as intended or is reported to have caused additional hazards or structural damage to the property. Large port districts are restricted to use local, nonairport resources to address such equipment due to limitations imposed by federal regulations.

Ensuring the efficacy of existing noise mitigation equipment, and the repair or replacement of equipment that has caused hazards or structural damage to the property serves a fundamental governmental purpose and thereby provides wider public benefit to the citizens of Washington.

The legislature intends to partner with port districts operating large airports in the state and impacted areas to provide resources to repair or replace noise mitigation equipment that has been found to be no longer working as intended, or is found to have caused additional hazards or structural damage to the property, and to address the impacts of aircraft operations that are faced by impacted areas.

With this partnership and resources large airports can be more responsive, more effectively and quickly address relevant noise mitigation equipment, and help uphold the values of respect, antiracism, equity, and stewardship." [2024 c 194 s 1.]

Explanatory statement—2021 c 65: "RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Section 2 of this act decodifies an obsolete section.

(2) Sections 3 through 5 of this act merge double amendments created when sections were amended in the 2020 legislative session without reference to the amendments made in the same session.

(3) Chapter 20, Laws of 2020 (SHB 2246) reorganized certain environmental statutes and recodified numerous statutes to create a new Title 70A RCW. Sections 6 through 102 of this act update and correct many of the RCW citations impacted by chapter 20, Laws of 2020.

(4) Section 103 of this act corrects an erroneous chapter reference.

(5) Sections 104 through 108 of this act clarify references to the effective date of chapter 11.130 RCW." [2021 c 65 s 1.]