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**SUBSTITUTE HOUSE BILL 1162**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives D. Sommers, Hargrove, Padden, Paris, Kremen, Tate, Rasmussen, McLean, Grant, Lisk, Chandler, Ferguson, Pruitt, Ballard, Wood, P. Johnson, Forner, Casada, Horn, Sheldon, Brumsickle, Mielke, Hochstatter, Broback, Van Luven, May, Fuhrman, Morton, Edmondson, Brough, Basich, Mitchell, Wynne, Bowman, Moyer and Orr).

Read first time March 6, 1991.

1            AN ACT Relating to governmental regulatory action; and adding a new  
2 chapter to Title 64 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**            This chapter shall be known and may be  
5 cited as the private property protection act.

6            NEW SECTION.    **Sec. 2.**            Whenever implementation by the state or  
7 any of its political subdivisions of any land use planning, zoning, or  
8 other regulatory program, other than an exercise of the police power to  
9 prevent noxious use or demonstrable harm to the health and safety of  
10 the public, operates to reduce the fair market value of real property  
11 to less than fifty percent of its value for the uses permitted at the  
12 time immediately prior to the implementation of the governmental  
13 action, the property shall be deemed to have been taken for the use of  
14 the public. The owner of that real property shall have the right to

1 require condemnation by and just compensation from the governmental  
2 unit imposing the restriction, or to receive compensation for the  
3 reduction in value caused by the government action, and in either case  
4 to have such compensation determined by a jury.

5 NEW SECTION. **Sec. 3.** If the governmental unit of which  
6 inverse condemnation is successfully required under section 2 of this  
7 act is unwilling or unable to pay the costs awarded, it may instead  
8 relax the land use planning, zoning, or other regulatory program as it  
9 affects the plaintiff's land and all similarly situated land in the  
10 jurisdiction in which the regulatory program is in effect, to the level  
11 of regulation in place as of the time the owner acquired title or  
12 January 1, 1992, whichever is later. In such event, the governmental  
13 unit shall be liable to the plaintiff landowner for the reasonable and  
14 necessary costs of the inverse condemnation action, plus any actual and  
15 demonstrable economic losses caused the plaintiff by the regulation  
16 during the period in which it was in effect.

17 NEW SECTION. **Sec. 4.** Nothing in this chapter shall preclude  
18 legal challenges by property owners in instances where the regulatory  
19 diminution of value does not exceed fifty percent of fair market value  
20 for the uses permitted immediately prior to the implementation of the  
21 governmental action.

22 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act shall  
23 constitute a new chapter in Title 64 RCW.