
HOUSE BILL 2485

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Nelson, Mitchell, Franklin, Winsley, Wineberry,
Leonard and Ogden

Read first time 01/17/92. Referred to Committee on Housing.

1 AN ACT Relating to relocation assistance; and amending RCW
2 59.18.440.

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

4 **Sec. 1.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each
5 amended to read as follows:

6 (1) Any city, town, county, or municipal corporation that ((is
7 ~~required to~~)) develops a comprehensive plan under RCW 36.70A.040((+1))
8 is authorized to require, after reasonable notice to the public and a
9 public hearing, property owners to provide their portion of reasonable
10 relocation assistance to low-income tenants upon the demolition,
11 substantial rehabilitation whether due to code enforcement or any other
12 reason, or change of use of residential property, or upon the removal
13 of use restrictions in an assisted-housing development. No city, town,
14 county, or municipal corporation may require property owners to provide

1 relocation assistance to low-income tenants, as defined in this
2 chapter, upon the demolition, substantial rehabilitation, upon the
3 change of use of residential property, or upon the removal of use
4 restrictions in an assisted-housing development, except as expressly
5 authorized herein or when authorized or required by state or federal
6 law. As used in this section, "assisted housing development" means a
7 multifamily rental housing development that either receives government
8 assistance and is defined as federally assisted housing in RCW
9 59.28.020, or that receives other federal, state, or local government
10 assistance and is subject to use restrictions.

11 (2) As used in this section, "low-income tenants" means tenants
12 whose combined total income per dwelling unit is at or below fifty
13 percent of the median income, adjusted for family size, in the county
14 where the tenants reside.

15 The department of community development shall adopt rules defining
16 county median income in accordance with the definitions promulgated by
17 the federal department of housing and urban development.

18 (3) A requirement that property owners provide relocation
19 assistance shall include the amounts of such assistance to be provided
20 to low-income tenants. In determining such amounts, the jurisdiction
21 imposing the requirement shall evaluate, and receive public testimony
22 on, what relocation expenses displaced tenants would reasonably incur
23 in that jurisdiction including:

24 (a) Actual physical moving costs and expenses;

25 (b) Advance payments required for moving into a new residence such
26 as the cost of first and last month's rent and security and damage
27 deposits;

28 (c) Utility connection fees and deposits; and

29 (d) Anticipated additional rent and utility costs in the residence
30 for one year after relocation.

1 (4)(a) Relocation assistance provided to low-income tenants under
2 this section shall not exceed two thousand dollars for each dwelling
3 unit displaced by actions of the property owner under subsection (1) of
4 this section. A city, town, county, or municipal corporation may make
5 future annual adjustments to the maximum amount of relocation
6 assistance required under this subsection in order to reflect any
7 changes in the housing component of the consumer price index as
8 published by the United States department of labor, bureau of labor
9 statistics.

10 (b) The property owner's portion of any relocation assistance
11 provided to low-income tenants under this section shall not exceed one-
12 half of the required relocation assistance under (a) of this subsection
13 in cash or services. A city, town, county, or municipal corporation
14 may authorize the cash portion of the relocation assistance provided by
15 the property owner to be in the form of foregone rent, and may
16 establish a value on services provided by the landlord, such as moving,
17 that assist the tenants to relocate.

18 (c) The portion of relocation assistance not covered by the
19 property owner under (b) of this subsection shall be paid by the city,
20 town, county, or municipal corporation authorized to require relocation
21 assistance under subsection (1) of this section. The relocation
22 assistance may be paid from proceeds collected from the excise tax
23 imposed under RCW 82.46.010.

24 (5) A city, town, county, or municipal corporation requiring the
25 provision of relocation assistance under this section shall adopt
26 policies, procedures, or regulations to implement such requirement.
27 Such policies, procedures, or regulations shall include provisions for
28 administrative hearings to resolve disputes between tenants and
29 property owners relating to relocation assistance or unlawful detainer

1 actions during relocation, and shall require a decision within thirty
2 days of a request for a hearing by either a tenant or property owner.

3 Judicial review of an administrative hearing decision relating to
4 relocation assistance may be had by filing a petition, within ten days
5 of the decision, in the superior court in the county where the
6 residential property is located. Judicial review shall be confined to
7 the record of the administrative hearing and the court may reverse the
8 decision only if the administrative findings, inferences, conclusions,
9 or decision is:

10 (a) In violation of constitutional provisions;

11 (b) In excess of the authority or jurisdiction of the
12 administrative hearing officer;

13 (c) Made upon unlawful procedure or otherwise is contrary to law;
14 or

15 (d) Arbitrary and capricious.

16 (6) Any city, town, county, or municipal corporation may require
17 relocation assistance, under the terms of this section, for otherwise
18 eligible tenants whose living arrangements are exempted from the
19 provisions of this chapter under RCW 59.18.040(3) and if the living
20 arrangement is considered to be a rental or lease pursuant to RCW
21 67.28.180(1).

22 (7)(a) Persons who move from a dwelling unit prior to the
23 application by the owner of the dwelling unit for any governmental
24 permit necessary for the demolition, substantial rehabilitation, or
25 change of use of residential property or prior to any notification or
26 filing required for condominium conversion shall not be entitled to the
27 assistance authorized by this section.

28 (b) Persons who move into a dwelling unit after the application for
29 any necessary governmental permit or after any required condominium
30 conversion notification or filing shall not be entitled to the

1 assistance authorized by this section if such persons receive written
2 notice from the property owner prior to taking possession of the
3 dwelling unit that specifically describes the activity or condition
4 that may result in their temporary or permanent displacement and
5 advises them of their ineligibility for relocation assistance.