

# HOUSE BILL REPORT

## EHB 1223

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### As Passed Legislature

**Title:** An act relating to hearings for street vacations.

**Brief Description:** Authorizing use of hearing examiners for street vacation hearings.

**Sponsors:** Representatives Fitzgibbon, Green, Darneille, Jinkins, Ladenburg and Takko.

#### Brief History:

##### Committee Activity:

Local Government: 1/25/11 [DP].

##### Floor Activity:

Passed House: 3/7/11, 93-3.

Passed Senate: 4/7/11, 47-0.

Passed Legislature.

#### Brief Summary of Engrossed Bill

- Allows legislative authorities to appoint a hearing examiner to conduct street vacation hearings.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 9 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Smith, Springer and Upthegrove.

**Staff:** Miranda Leskinen (786-7291).

#### Background:

Owners of real estate abutting a street or alley that wish to vacate some or all of a street or alley may petition the legislative authority of the applicable city or town to make the vacation by filing a written petition with the city or town clerk. Alternatively, the legislative authority may initiate vacation by resolution. If the owners of more than two-thirds of the property abutting the proposed vacation site sign the petition, the legislative authority must hold a timely public hearing on the vacation and satisfy public notice requirements.

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*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.*

Vacation hearings are conducted before the legislative authority or a committee of the legislative authority. However, while a committee may report its recommendation to the legislative authority, it is the full legislative authority that decides whether or not to grant the petition in whole or part.

**Summary of Engrossed Bill:**

The legislative authority is authorized to appoint a hearing examiner to conduct street vacation hearings. Hearings held before a hearing examiner do not need to be held before the legislative authority. However, the hearing examiner conducting the hearing must provide a record of the proceedings and make a recommendation to the legislative authority. If the recommendation is to deny the petition for street vacation, the hearing examiner must include an explanation of the facts and reasons underlying the recommendation in the report to the legislative authority. The legislative authority makes the decision of whether to adopt or reject the hearing examiner's recommendation.

**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) Counties already utilize street vacation hearing examiners. Affording this same opportunity to cities would streamline their hearings process, decreasing the burden on city councils by saving them time. Cities would continue to make the final determination regarding petitions for street vacation, but would have more flexibility concerning how hearings are conducted.

(Opposed) None.

**Persons Testifying:** Representative Fitzgibbon, prime sponsor; Briahna Taylor, City of Tacoma; and Dave Williams, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.