

SENATE BILL REPORT

SB 5143

As of January 22, 1999

Title: An act relating to availability of replacement housing in eminent domain proceedings.

Brief Description: Changing provisions relating to availability of replacement housing in eminent domain proceedings.

Sponsors: Senators Patterson and Winsley.

Brief History:

Committee Activity: State & Local Government: 1/28/99.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Diane Smith (786-7410)

Background: The Washington State Constitution, Article 1, Section 16, addresses the issue of eminent domain. It states in part that no private property may be taken for public use without just compensation having been first made or paid into court for the owner.

A chapter of law enacted in 1971 provides for relocation assistance for persons displaced as a direct result of public works programs. That chapter provides that no person may be required to vacate his or her home unless the displacing agency is satisfied that comparable replacement housing is available to the person. Comparable replacement housing is defined in the chapter as any dwelling that meets all of six criteria. Each of the six criteria include subjective elements.

Summary of Bill: The issue of whether replacement housing is comparable is decided by the courts, not the condemning agency, if the condemning agency and the homeowner cannot agree.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.