

SENATE BILL REPORT

SB 5049

As of January 29, 2017

Title: An act relating to relocation assistance following real property acquisition.

Brief Description: Concerning relocation assistance following real property acquisition.

Sponsors: Senator King.

Brief History:

Committee Activity: Transportation: 1/25/17.

Brief Summary of Bill

- Removes the ability of certain entities to opt out of relocation assistance laws.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: In 1970, Congress adopted the Uniform Relocation Assistance and Real Property Acquisition Policies Act and the Washington State Legislature followed suit with a state version of the federal law in 1971. Relocation assistance generally addresses the costs incurred by a property owner moving a residence, business, farm operation, or other personal property when real property is being acquired for a public purpose.

Generally, federal law requires that relocation assistance and acquisition laws apply to all state and local governments engaged in projects which are funded in whole or in part by federal monies. In cases where no federal funds are being expended, local public agencies are not required to comply with relocation assistance laws. Additionally, in 1988, nongovernmental entities having the authority to exercise eminent domain were provided the authority to choose not to comply with certain provisions of relocation and acquisition procedures and reimbursements when no federal funds were being expended on the project.

Summary of Bill: The provision for local public agencies to choose to not comply with relocation assistance laws when a project does not include federal funds is removed.

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.

The provision for nongovernmental entities with the authority to acquire property by eminent domain to not comply with certain acquisition procedures and reimbursement of certain expenses is removed.

Intent language is added stating that it is the purpose of this chapter to require state, local public agencies, and other persons who have the authority to acquire property by eminent domain under state law to comply with the provisions of the relocation assistance act to assure fair and equitable treatment of all persons and property owners impacted by public projects.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill is about fairness. My intent is not to have a huge fiscal impact to cities and counties. My intent is that we are fair and treat similarly situated property owners the same in condemnation actions.

The system we have now is one where, depending on the source of the funding, you will be treated one way or the other even though the type of project can be identical. Tenants in condemnation proceedings that do not involve state or federal funds are not provided relocation assistance, so it is not always just about compensating the property owner. This does help tenants out. Most acquisitions already involve federal or state funds so there are only a small number of transactions that may be impacted annually. Most acquisitions do not displace people. Most acquisitions are actually easements. Relocation assistance only applies when a government chooses to use its eminent domain authority. Regardless of the funding source we need to treat people fairly. Depending on the funding source I end up having to treat people differently which does not make sense, especially to the person being displaced. The color of the money shouldn't matter.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor; Kinnon Williams; Faith Roland.

Persons Signed In To Testify But Not Testifying: No one.