
HOUSE BILL 1959

State of Washington 65th Legislature 2017 Regular Session

By Representatives Harmsworth, Pollet, Young, and Van Werven

Read first time 02/06/17. Referred to Committee on Local Government.

1 AN ACT Relating to requiring a public hearing before a local
2 government may remove a restrictive covenant from land owned by the
3 local government; adding a new section to chapter 35.21 RCW; adding a
4 new section to chapter 35A.21 RCW; adding a new section to chapter
5 36.01 RCW; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** This act may be known and cited as the
8 land covenant preservation and transparency act.

9 NEW SECTION. **Sec. 2.** The legislature finds that many pieces of
10 property are provided to government agencies as part of agreements in
11 which the land includes restrictive covenants. There is a desire that
12 government agencies become more transparent when they want to change
13 the use of property that has covenants that restrict what can be done
14 with property, especially if the property was a gift to be used for
15 parks, open space, habitat, or environmental mitigation and
16 conservation. The legislature declares that any local government
17 agency that intends to remove restrictive covenants from real
18 property owned by the agency must do so through an open process in
19 which citizens are made aware of the agency's intent to remove or
20 modify the restrictive covenant before the legal action occurs.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21
2 RCW to read as follows:

3 Any city, town, or municipal corporation must hold a public
4 hearing upon a proposal to remove, vacate, or extinguish a
5 restrictive covenant from property owned by the city, town, or
6 municipal corporation before the action is finalized. The public
7 hearing must allow individuals to provide testimony regarding the
8 proposed action. The city, town, or municipal corporation must
9 provide notice of the public hearing at least ten days before the
10 hearing at its usual place of business and issue a press release to
11 local media providing the date, time, location, and reason for the
12 public hearing. The notice must be posted on the city, town, or
13 municipal corporation's web site if it is updated for any reason
14 before the hearing date. The notice must also identify the property
15 and provide a brief explanation of the restrictive covenant to be
16 removed, vacated, or extinguished. Any member of the public, in
17 person or by counsel, may submit testimony at the public hearing.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21
19 RCW to read as follows:

20 Any code city must hold a public hearing upon a proposal to
21 remove, vacate, or extinguish a restrictive covenant from property
22 owned by the code city before the action is finalized. The public
23 hearing must allow individuals to provide testimony regarding the
24 proposed action. The code city must provide notice of the public
25 hearing at least ten days before the hearing at its usual place of
26 business and issue a press release to local media providing the date,
27 time, location, and reason for the public hearing. The notice must be
28 posted on the code city's web site if it is updated for any reason
29 prior to the hearing date. The notice must also identify the property
30 and provide a brief explanation of the restrictive covenant to be
31 removed, vacated, or extinguished. Any member of the public, in
32 person or by counsel, may submit testimony regarding the proposed
33 action at the public hearing.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.01
35 RCW to read as follows:

36 Any county must hold a public hearing upon a proposal to remove,
37 vacate, or extinguish a restrictive covenant from property owned by
38 the county before the action is finalized. The public hearing must

1 allow individuals to provide testimony regarding the proposed action.
2 The county must provide notice of the public hearing at least ten
3 days before the hearing at its usual place of business and issue a
4 press release to local media providing the date, time, location, and
5 reason for the public hearing. The notice must be posted on the
6 county's web site if it is updated for any reason before the hearing.
7 The notice must also identify the property and provide a brief
8 explanation of the restrictive covenant to be removed, vacated, or
9 extinguished. Any member of the public, in person or by counsel, may
10 submit testimony regarding the proposed action at the public hearing.

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