

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1959**

65th Legislature  
2017 Regular Session

Passed by the House February 27, 2017  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 10, 2017  
Yeas 45 Nays 2

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1959** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1959

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Passed Legislature - 2017 Regular Session

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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