

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1615

Chapter 12, Laws of 2017

65th Legislature
2017 Regular Session

AGENCY PROPERTY ACQUISITIONS--RELOCATION ASSISTANCE--FEDERAL LAW

EFFECTIVE DATE: 7/23/2017

Passed by the House February 16, 2017
Yeas 91 Nays 6

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 31, 2017
Yeas 46 Nays 0

CYRUS HABIB

President of the Senate

Approved April 14, 2017 11:17 AM

JAY INSLEE

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 1615** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 14, 2017

**Secretary of State
State of Washington**

HOUSE BILL 1615

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Representatives Kloba, Clibborn, Rodne, Doglio, Stanford, and
Jenkins; by request of Department of Transportation

Read first time 01/25/17. Referred to Committee on Judiciary.

1 AN ACT Relating to relocation assistance for persons displaced by
2 agency property acquisitions; and amending RCW 8.26.035, 8.26.045,
3 and 8.26.055.

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

5 **Sec. 1.** RCW 8.26.035 and 2003 c 357 s 1 are each amended to read
6 as follows:

7 (1) Whenever a program or project to be undertaken by a
8 displacing agency will result in the displacement of any person, the
9 displacing agency shall provide for the payment to the displaced
10 person of:

11 (a) Actual reasonable expenses in moving himself or herself, or
12 his or her family, business, farm operation, or other personal
13 property;

14 (b) Actual direct losses of tangible personal property as a
15 result of moving or discontinuing a business or farm operation, but
16 not to exceed an amount equal to the reasonable expenses that would
17 have been required to relocate the property, in accordance with
18 criteria established by the lead agency;

19 (c) Actual reasonable expenses in searching for a replacement
20 business or farm; and

1 (d) Actual reasonable expenses necessary to reestablish a
2 displaced farm, nonprofit organization, or small business at its new
3 site, in accordance with criteria established by the lead agency, but
4 not to exceed fifty thousand dollars or the dollar amount allowed
5 under 42 U.S.C. Sec. 4622 as it existed on the effective date of this
6 section, or such subsequent date as may be provided by the displacing
7 agency by rule or regulation, consistent with the purposes of this
8 section, whichever is greater.

9 (2) A displaced person eligible for payments under subsection (1)
10 of this section who is displaced from a dwelling and who elects to
11 accept the payments authorized by this subsection in lieu of the
12 payments authorized by subsection (1) of this section may receive an
13 expense and dislocation allowance determined according to a schedule
14 established by the lead agency.

15 (3) A displaced person eligible for payments under subsection (1)
16 of this section who is displaced from the person's place of business
17 or farm operation and who is eligible under criteria established by
18 the lead agency may elect to accept the payment authorized by this
19 subsection in lieu of the payment authorized by subsection (1) of
20 this section. The payment shall consist of a fixed payment in an
21 amount to be determined according to criteria established by the lead
22 agency, except that the payment shall be not less than (~~one thousand~~
23 ~~dollars nor more than twenty thousand dollars~~) the dollar amount
24 allowed under 42 U.S.C. Sec. 4622 as it existed on the effective date
25 of this section, or such subsequent date as may be provided by the
26 displacing agency by rule or regulation, consistent with the purposes
27 of this section. A person whose sole business at the displacement
28 dwelling is the rental of that property to others does not qualify
29 for a payment under this subsection.

30 **Sec. 2.** RCW 8.26.045 and 1988 c 90 s 4 are each amended to read
31 as follows:

32 (1) In addition to payments otherwise authorized by this chapter,
33 the displacing agency shall make an additional payment, not in excess
34 of (~~twenty-two thousand five hundred dollars~~) the dollar amount
35 allowed under 42 U.S.C. Sec. 4623 as it existed on the effective date
36 of this section, or such subsequent date as may be provided by the
37 displacing agency by rule or regulation, consistent with the purposes
38 of this section, to any displaced person who is displaced from a
39 dwelling actually owned and occupied by the displaced person for not

1 less than (~~one hundred and eighty~~) ninety days immediately before
2 the initiation of negotiations for the acquisition of the property.
3 The additional payment shall include the following elements:

4 (a) The amount, if any, that when added to the acquisition cost
5 of the dwelling acquired by the displacing agency, equals the
6 reasonable and necessary cost of a comparable replacement dwelling;

7 (b) The amount, if any, that will compensate the displaced person
8 for any increased mortgage interest costs and other debt service
9 costs that the person is required to pay for financing the
10 acquisition of any such comparable replacement dwelling. This amount
11 shall be paid only if the dwelling acquired by the displacing agency
12 was encumbered by a bona fide mortgage that was a valid lien on the
13 dwelling for not less than one hundred and eighty days immediately
14 before the initiation of negotiations for the acquisition of the
15 dwelling;

16 (c) Reasonable expenses incurred by the displaced person for
17 evidence of title, recording fees, and other closing costs incident
18 to the purchase of the replacement dwelling, but not including
19 prepaid expenses.

20 (2) The additional payment authorized by this section shall be
21 made only to a displaced person who purchases and occupies a decent,
22 safe, and sanitary replacement dwelling within one year after the
23 date on which the person receives final payment from the displacing
24 agency for the acquired dwelling or the date on which the obligation
25 of the displacing agency under RCW 8.26.075 is met, whichever date is
26 later, except that the displacing agency may extend the period for
27 good cause. If the period is extended, the payment under this section
28 shall be based on the costs of relocating the person to a comparable
29 replacement dwelling within one year of that date.

30 **Sec. 3.** RCW 8.26.055 and 1988 c 90 s 5 are each amended to read
31 as follows:

32 (1) In addition to amounts otherwise authorized by this chapter,
33 a displacing agency shall make a payment to or for a displaced person
34 displaced from a dwelling not eligible to receive a payment under RCW
35 8.26.045 if the dwelling was actually and lawfully occupied by the
36 displaced person for not less than ninety days immediately before (a)
37 the initiation of negotiations for acquisition of the dwelling, or
38 (b) in any case in which displacement is not a direct result of
39 acquisition, such other event as the lead agency prescribes. The

1 payment shall consist of the amount necessary to enable the person to
2 lease or rent for a period not to exceed forty-two months, a
3 comparable replacement dwelling, but not to exceed (~~five thousand~~
4 ~~two hundred fifty dollars~~) the dollar amount allowed under 42 U.S.C.
5 Sec. 4624 as it existed on the effective date of this section, or
6 such subsequent date as may be provided by the displacing agency by
7 rule or regulation, consistent with the purposes of this section. At
8 the discretion of the displacing agency, a payment under this
9 subsection may be made in periodic installments. Computation of a
10 payment under this subsection to a low-income displaced person for a
11 comparable replacement dwelling shall take into account the person's
12 income.

13 (2) A person eligible for a payment under subsection (1) of this
14 section may elect to apply the payment to a down payment on, and
15 other incidental expenses pursuant to, the purchase of a decent,
16 safe, and sanitary replacement dwelling. The person may, at the
17 discretion of the displacing agency, be eligible under this
18 subsection for the maximum payment allowed under subsection (1) of
19 this section(~~(, except that, in the case of a displaced homeowner who~~
20 ~~has owned and occupied the displacement dwelling for at least ninety~~
21 ~~days but not more than one hundred eighty days immediately before the~~
22 ~~initiation of negotiations for the acquisition of the dwelling, the~~
23 ~~payment shall not exceed the payment the person would otherwise have~~
24 ~~received under RCW 8.26.045(1) had the person owned and occupied the~~
25 ~~displacement dwelling one hundred eighty days immediately before the~~
26 ~~initiation of the negotiations)).~~

Passed by the House February 16, 2017.

Passed by the Senate March 31, 2017.

Approved by the Governor April 14, 2017.

Filed in Office of Secretary of State April 14, 2017.

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