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**HOUSE BILL 2315**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Orwall, Fitzgibbon, and Pellicciotti

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1 AN ACT Relating to repairing and replacing mitigation equipment  
2 installed as part of a remedial program within an impacted area; and  
3 amending RCW 53.54.030.

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

5 **Sec. 1.** RCW 53.54.030 and 1993 c 150 s 1 are each amended to  
6 read as follows:

7 For the purposes of this chapter, in developing a remedial  
8 program, the port commission may utilize one or more of the following  
9 programs:

10 (1) Acquisition of property or property rights within the  
11 impacted area, which shall be deemed necessary to accomplish a port  
12 purpose. The port district may purchase such property or property  
13 rights by time payment notwithstanding the time limitations provided  
14 for in RCW 53.08.010. The port district may mortgage or otherwise  
15 pledge any such properties acquired to secure such transactions. The  
16 port district may assume any outstanding mortgages.

17 (2) Transaction assistance programs, including assistance with  
18 real estate fees and mortgage assistance, and other neighborhood  
19 remedial programs as compensation for impacts due to aircraft noise  
20 and noise associated conditions. Any such programs shall be in  
21 connection with properties located within an impacted area and shall

1 be provided upon terms and conditions as the port district shall  
2 determine appropriate.

3 (3) Programs of soundproofing structures located within an  
4 impacted area. Such programs may be executed without regard to the  
5 ownership, provided the owner waives damages and conveys an easement  
6 for the operation of aircraft, and for noise and noise associated  
7 conditions therewith, to the port district.

8 (4) Mortgage insurance of private owners of lands or improvements  
9 within such noise impacted area where such private owners are unable  
10 to obtain mortgage insurance solely because of noise impact. In this  
11 regard, the port district may establish reasonable regulations and  
12 may impose reasonable conditions and charges upon the granting of  
13 such mortgage insurance: PROVIDED, That such fees and charges shall  
14 at no time exceed fees established for federal mortgage insurance  
15 programs for like service.

16 (5) An individual property may be provided benefits by the port  
17 district under each of the programs described in subsections (1)  
18 through (4) of this section. However, an individual property may not  
19 be provided benefits under any one of these programs more than once,  
20 unless the property (~~is~~):

21 (a) Is subjected to increased aircraft noise or differing  
22 aircraft noise impacts that would have afforded different levels of  
23 mitigation, even if the property owner had waived all damages and  
24 conveyed a full and unrestricted easement; or

25 (b) Contains a soundproofing installation, structure, or other  
26 type of mitigation impact equipment or benefit previously installed  
27 pursuant to the remedial program under this chapter by the port  
28 district, that is in need of a repair or replacement.

29 (6) Management of all lands, easements, or development rights  
30 acquired, including but not limited to the following:

31 (a) Rental of any or all lands or structures acquired;

32 (b) Redevelopment of any such lands for any economic use  
33 consistent with airport operations, local zoning and the state  
34 environmental policy;

35 (c) Sale of such properties for cash or for time payment and  
36 subjection of such property to mortgage or other security  
37 transaction: PROVIDED, That any such sale shall reserve to the port  
38 district by covenant an unconditional right of easement for the  
39 operation of all aircraft and for all noise or noise conditions  
40 associated therewith.

1           (7) A property shall be considered within the impacted area if  
2 any part thereof is within the impacted area.

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