
HOUSE BILL 1162

State of Washington

52nd Legislature

1991 Regular Session

By Representatives D. Sommers, Hargrove, Padden, Paris, Kremen, Tate, Rasmussen, McLean, Grant, Lisk, Chandler, Ferguson, Pruitt, Ballard, Wood, P. Johnson, Forner, Casada, Horn, Sheldon, Brumsickle, Mielke, Hochstatter, Broback, Van Luven, May, Fuhrman, Morton, Edmondson, Brough, Basich, Mitchell, Wynne, Bowman, Moyer and Orr.

Read first time January 21, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to governmental regulatory action; adding a new
2 chapter to Title 64 RCW; and providing an effective date.

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

4 NEW SECTION. **Sec. 1.** This chapter shall be known and may be
5 cited as the private property protection act.

6 NEW SECTION. **Sec. 2.** Whenever implementation by the state or
7 any of its political subdivisions of any land use planning, zoning, or
8 other regulatory program, other than an exercise of the police power to
9 prevent noxious use or demonstrable harm to the health and safety of
10 the public, operates to reduce the fair market value of real property
11 to less than fifty percent of its value for the uses permitted at the
12 time the owner acquired the title, or January 1, 1992, whichever is
13 later, the property shall be deemed to have been taken for the use of

1 the public. The owner of that real property shall have the right to
2 require condemnation by and just compensation from the governmental
3 unit imposing the restriction, or to receive compensation for the
4 reduction in value caused by the government action, and in either case
5 to have such compensation determined by a jury.

6 NEW SECTION. **Sec. 3.** If the governmental unit of which
7 inverse condemnation is successfully required under section 2 of this
8 act is unwilling or unable to pay the costs awarded, it may instead
9 relax the land use planning, zoning, or other regulatory program as it
10 affects the plaintiff's land and all similarly situated land in the
11 jurisdiction in which the regulatory program is in effect, to the level
12 of regulation in place as of the time the owner acquired title or
13 January 1, 1992, whichever is later. In such event, the governmental
14 unit shall be liable to the plaintiff landowner for the reasonable and
15 necessary costs of the inverse condemnation action, plus any actual and
16 demonstrable economic losses caused the plaintiff by the regulation
17 during the period in which it was in effect.

18 NEW SECTION. **Sec. 4.** Nothing in this chapter shall preclude
19 legal challenges by property owners in instances where the regulatory
20 diminution of value does not exceed fifty percent of fair market value
21 for the uses permitted at the time the owner acquired title, or January
22 1, 1992, whichever is later.

23 NEW SECTION. **Sec. 5.** Whenever, after January 1, 1992, the
24 state or any of its political subdivisions imposes, changes, or
25 implements any land use planning, zoning, or other regulatory program,
26 other than an exercise of the police power to prevent noxious use or
27 demonstrable harm to the health and safety of the public, in such a way

1 as to reduce the previous fair market value of a taxpayer's property,
2 the listers of a municipality shall, on or before the ensuing April
3 1st, adjust the taxpayer's grand list downward by an amount equal to
4 the difference between the fair market value of the property under the
5 new regulatory program, and the previous fair market value.

6 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act shall
7 constitute a new chapter in Title 64 RCW.

8 NEW SECTION. **Sec. 7.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 8.** This act shall take effect January 1,
13 1992.