
SENATE BILL 5041

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen and Winsley

Read first time 01/11/93. Referred to Committee on Government Operations.

1 AN ACT Relating to relocation assistance for low-income tenants by
2 local governments that choose to plan under the growth management act;
3 and amending RCW 59.18.440.

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

5 **Sec. 1.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each
6 amended to read as follows:

7 (1) Any city, town, county, or municipal corporation that is
8 required or chooses to develop a comprehensive plan under RCW
9 36.70A.040(1) is authorized to require, after reasonable notice to the
10 public and a public hearing, property owners to provide their portion
11 of reasonable relocation assistance to low-income tenants upon the
12 demolition, substantial rehabilitation whether due to code enforcement
13 or any other reason, or change of use of residential property, or upon
14 the removal of use restrictions in an assisted-housing development. No
15 city, town, county, or municipal corporation may require property
16 owners to provide relocation assistance to low-income tenants, as
17 defined in this chapter, upon the demolition, substantial
18 rehabilitation, upon the change of use of residential property, or upon
19 the removal of use restrictions in an assisted-housing development,

1 except as expressly authorized herein or when authorized or required by
2 state or federal law. As used in this section, "assisted housing
3 development" means a multifamily rental housing development that either
4 receives government assistance and is defined as federally assisted
5 housing in RCW 59.28.020, or that receives other federal, state, or
6 local government assistance and is subject to use restrictions.

7 (2) As used in this section, "low-income tenants" means tenants
8 whose combined total income per dwelling unit is at or below fifty
9 percent of the median income, adjusted for family size, in the county
10 where the tenants reside.

11 The department of community development shall adopt rules defining
12 county median income in accordance with the definitions promulgated by
13 the federal department of housing and urban development.

14 (3) A requirement that property owners provide relocation
15 assistance shall include the amounts of such assistance to be provided
16 to low-income tenants. In determining such amounts, the jurisdiction
17 imposing the requirement shall evaluate, and receive public testimony
18 on, what relocation expenses displaced tenants would reasonably incur
19 in that jurisdiction including:

20 (a) Actual physical moving costs and expenses;

21 (b) Advance payments required for moving into a new residence such
22 as the cost of first and last month's rent and security and damage
23 deposits;

24 (c) Utility connection fees and deposits; and

25 (d) Anticipated additional rent and utility costs in the residence
26 for one year after relocation.

27 (4)(a) Relocation assistance provided to low-income tenants under
28 this section shall not exceed two thousand dollars for each dwelling
29 unit displaced by actions of the property owner under subsection (1) of
30 this section. A city, town, county, or municipal corporation may make
31 future annual adjustments to the maximum amount of relocation
32 assistance required under this subsection in order to reflect any
33 changes in the housing component of the consumer price index as
34 published by the United States department of labor, bureau of labor
35 statistics.

36 (b) The property owner's portion of any relocation assistance
37 provided to low-income tenants under this section shall not exceed one-
38 half of the required relocation assistance under (a) of this subsection
39 in cash or services.

1 (c) The portion of relocation assistance not covered by the
2 property owner under (b) of this subsection shall be paid by the city,
3 town, county, or municipal corporation authorized to require relocation
4 assistance under subsection (1) of this section. The relocation
5 assistance may be paid from proceeds collected from the excise tax
6 imposed under RCW 82.46.010.

7 (5) A city, town, county, or municipal corporation requiring the
8 provision of relocation assistance under this section shall adopt
9 policies, procedures, or regulations to implement such requirement.
10 Such policies, procedures, or regulations shall include provisions for
11 administrative hearings to resolve disputes between tenants and
12 property owners relating to relocation assistance or unlawful detainer
13 actions during relocation, and shall require a decision within thirty
14 days of a request for a hearing by either a tenant or property owner.

15 Judicial review of an administrative hearing decision relating to
16 relocation assistance may be had by filing a petition, within ten days
17 of the decision, in the superior court in the county where the
18 residential property is located. Judicial review shall be confined to
19 the record of the administrative hearing and the court may reverse the
20 decision only if the administrative findings, inferences, conclusions,
21 or decision is:

22 (a) In violation of constitutional provisions;

23 (b) In excess of the authority or jurisdiction of the
24 administrative hearing officer;

25 (c) Made upon unlawful procedure or otherwise is contrary to law;
26 or

27 (d) Arbitrary and capricious.

28 (6) Any city, town, county, or municipal corporation may require
29 relocation assistance, under the terms of this section, for otherwise
30 eligible tenants whose living arrangements are exempted from the
31 provisions of this chapter under RCW 59.18.040(3) and if the living
32 arrangement is considered to be a rental or lease pursuant to RCW
33 67.28.180(1).

34 (7)(a) Persons who move from a dwelling unit prior to the
35 application by the owner of the dwelling unit for any governmental
36 permit necessary for the demolition, substantial rehabilitation, or
37 change of use of residential property or prior to any notification or
38 filing required for condominium conversion shall not be entitled to the
39 assistance authorized by this section.

1 (b) Persons who move into a dwelling unit after the application for
2 any necessary governmental permit or after any required condominium
3 conversion notification or filing shall not be entitled to the
4 assistance authorized by this section if such persons receive written
5 notice from the property owner prior to taking possession of the
6 dwelling unit that specifically describes the activity or condition
7 that may result in their temporary or permanent displacement and
8 advises them of their ineligibility for relocation assistance.

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