
HOUSE BILL 2783

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Patterson, G. Fisher, Heavey, Eide, Wineberry,
Brough, Leonard and Anderson

Read first time 01/24/94. Referred to Committee on Local Government.

1 AN ACT Relating to aircraft noise abatement; amending RCW
2 53.54.030; and adding a new section to chapter 53.54 RCW.

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

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

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

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

15 (2) Transaction assistance programs, including assistance with real
16 estate fees and mortgage assistance, and other neighborhood remedial
17 programs as compensation for impacts due to aircraft noise and noise
18 associated conditions. Any such programs shall be in connection with

1 properties located within an impacted area and shall be provided upon
2 terms and conditions as the port district shall determine appropriate.

3 (3) Programs of soundproofing structures located within an impacted
4 area. Such programs may be executed without regard to the ownership,
5 provided the owner waives all future 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 to
10 obtain mortgage insurance solely because of noise impact. In this
11 regard, the port district may establish reasonable regulations and may
12 impose reasonable conditions and charges upon the granting of such
13 mortgage insurance: PROVIDED, That such fees and charges shall at no
14 time exceed fees established for federal mortgage insurance programs
15 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 subjected to increased aircraft noise or
21 differing aircraft noise impacts that would have afforded different
22 levels of mitigation, even if the property owner had waived all damages
23 and conveyed a full and unrestricted easement.

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

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

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

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

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

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 53.54 RCW
38 to read as follows:

1 (1) A port commission using a transaction assistance program under
2 RCW 53.54.030 shall pay one hundred percent of the appraised value for
3 the purchase of property within an impacted area. The port commission
4 shall report to the county assessor's office the full sales price of
5 the property, and shall not deduct from the reported sales price any
6 administrative or transaction fees charged in connection with the sale
7 of the property.

8 (2) Nothing in this section prohibits the port commission from
9 separately billing the seller of properties sold under RCW 53.54.030
10 for actual costs incurred, including actual real estate brokers'
11 commissions paid by the port and other transaction charges that the
12 port can itemize.

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