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SENATE BILL 5143

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State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson and Winsley

Read first time 01/14/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to availability of replacement housing in eminent  
2 domain proceedings; and amending RCW 8.26.075.

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

4 **Sec. 1.** RCW 8.26.075 and 1988 c 90 s 7 are each amended to read as  
5 follows:

6 (1) If a program or project undertaken by a displacing agency  
7 cannot proceed on a timely basis because comparable replacement  
8 dwellings are not available, and the head of the displacing agency  
9 determines that the dwellings cannot otherwise be made available, the  
10 head of the displacing agency may take such action as is necessary or  
11 appropriate to provide the dwellings by use of funds authorized for the  
12 project. The displacing agency may use this section to exceed the  
13 maximum amounts that may be paid under RCW 8.26.045 and 8.26.055 on a  
14 case-by-case basis for good cause as determined in accordance with  
15 rules adopted by the lead agency.

16 (2) No person may be required to move from a dwelling on account of  
17 any program or project undertaken by a displacing agency unless ((the  
18 displacing agency is satisfied that)) comparable replacement housing is  
19 available to the person.

1           (3) The displacing agency shall assure that a person shall not be  
2 required to move from a dwelling unless the person has had a reasonable  
3 opportunity to relocate to a comparable replacement dwelling, except in  
4 the case of the following:

5           (a) A major disaster as defined in section 102(2) of the Federal  
6 Disaster Relief Act of 1974;

7           (b) A national emergency declared by the president; or

8           (c) Any other emergency that requires the person to move  
9 immediately from the dwelling because continued occupancy of the  
10 dwelling by the person constitutes a substantial danger to the health  
11 or safety of the person.

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