

SHB 1039 - H AMD

By Representative Schindler

1 On page 2, line 4, after "subdivision." insert the
2 following:

3 "The legislature recognizes that eliminating a right to develop
4 property under the regulations in place when a short subdivision is
5 filed is a taking of property without compensation under the Fifth
6 Amendment to the United States Constitution. Any local government
7 which changes development regulations which were in place at the
8 time a short subdivision is filed shall pay compensation to the
9 property owner in an amount equal to the increased costs incurred
10 to develop the property deriving from the changed regulations. If
11 new development regulations adopted after the filing of the short
12 subdivision eliminate the ability of the property owner to develop
13 the property for a particular use that was allowed when the short
14 subdivision was filed, the local government shall pay compensation
15 to the property owner in an amount equal to the difference in the
16 value of the property as it could have been developed under the
17 development regulations in place when the short subdivision was
18 filed and the value of the property after the local government has
19 changed the development regulations."

EFFECT: 1)Requires that a local government that changes the development regulations that were in place at the time of the filing of a short subdivision shall compensate the property owner for any increased development costs incurred by the property owner as the result of the change in regulations; 2)Requires that in the event the change of development regulations eliminates the ability of the property owner to develop the property for a particular use that was allowed when the short subdivision was originally filed, the local government must compensate the property owner for any diminution in the value of the property; 3)States a legislative finding that eliminating a right to develop property under the regulations in place when a short subdivision is filed is a taking of property without compensation under the Fifth Amendment to the United States Constitution.