

SENATE BILL REPORT

HB 1959

As Reported by Senate Committee On:
Local Government, March 16, 2017

Title: An act relating to requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government.

Brief Description: Requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government.

Sponsors: Representatives Harmsworth, Pollet, Young and Van Werven.

Brief History: Passed House: 2/27/17, 96-0.

Committee Activity: Local Government: 3/09/17, 3/16/17 [DP].

Brief Summary of Bill

- Requires any city, town, code city, county, or municipal corporation to provide notice and hold a hearing prior to removing, vacating, or extinguishing a restrictive covenant from land that it owns.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Staff: Bonnie Kim (786-7316)

Background: Generally, the owner of real property has a right to use the property as they choose. Sometimes the property may be subject to certain encumbrances, such as easements, covenants, or other restrictions. A covenant is an agreement between two parties about what can or cannot be done to or on the property. Typically, a restrictive covenant is an agreement between parties to refrain from doing something on or to the land.

Counties, cities, towns, and other metropolitan municipal corporations may hold or acquire a development right, easement, covenant, restriction, or other right or interest in land. These restrictions on real property may serve to protect, preserve, maintain, improve, restore, limit

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the future use of, or conserve for open space purposes, any land or improvement on the land. This right or interest is classified as real property.

Summary of Bill: Cities, towns, municipal corporations, code cities, and counties that wish to remove, vacate, or extinguish a restrictive covenant from property owned by the local government must first hold a public hearing. The local government must provide notice of the public hearing at least ten days before the hearing at its usual place of business, and issue a press release to local media providing the date, time, location, and reason for the public hearing.

Notice must be posted on the local government's website if it is updated for any reason before the hearing date. The notice must identify the property and provide a brief explanation of the restrictive covenant that the local government is proposing to remove, vacate, or extinguish.

Members of the public may provide testimony regarding the proposed action at the public hearing.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill addresses a slight oversight where a city recently removed a covenant on land gifted to them over a 100 years ago without first holding a public hearing. This is a great transparency bill.

Persons Testifying: PRO: Representative Mark Harmsworth, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.