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HOUSE BILL 1959

State of Washington 65th Legislature 2017 Regular Session

By Representatives Harmsworth, Pollet, Young, and Van Werven

- AN ACT Relating to requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating new sections.
- 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- NEW SECTION. Sec. 1. This act may be known and cited as the land covenant preservation and transparency act.
- 9 Sec. 2. The legislature finds that many pieces of NEW SECTION. 10 property are provided to government agencies as part of agreements in 11 which the land includes restrictive covenants. There is a desire that 12 government agencies become more transparent when they want to change 13 the use of property that has covenants that restrict what can be done with property, especially if the property was a gift to be used for 14 15 open space, habitat, or environmental mitigation parks, 16 conservation. The legislature declares that any local government 17 agency that intends to remove restrictive covenants from real property owned by the agency must do so through an open process in 18 which citizens are made aware of the agency's intent to remove or 19 20 modify the restrictive covenant before the legal action occurs.

p. 1 HB 1959

NEW SECTION. Sec. 3. A new section is added to chapter 35.21 RCW to read as follows:

3 Any city, town, or municipal corporation must hold a public 4 hearing upon a proposal to remove, vacate, or extinguish a restrictive covenant from property owned by the city, town, or 5 6 municipal corporation before the action is finalized. The public 7 hearing must allow individuals to provide testimony regarding the proposed action. The city, town, or municipal corporation must 8 provide notice of the public hearing at least ten days before the 9 hearing at its usual place of business and issue a press release to 10 11 local media providing the date, time, location, and reason for the 12 public hearing. The notice must be posted on the city, town, or municipal corporation's web site if it is updated for any reason 13 14 before the hearing date. The notice must also identify the property and provide a brief explanation of the restrictive covenant to be 15 16 removed, vacated, or extinguished. Any member of the public, 17 person or by counsel, may submit testimony at the public hearing.

NEW SECTION. Sec. 4. A new section is added to chapter 35A.21 RCW to read as follows:

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Any code city must hold a public hearing upon a proposal to remove, vacate, or extinguish a restrictive covenant from property owned by the code city before the action is finalized. The public hearing must allow individuals to provide testimony regarding the proposed action. The code city 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. The notice must be posted on the code city's web site if it is updated for any reason prior to the hearing date. The notice must also identify the property and provide a brief explanation of the restrictive covenant to be removed, vacated, or extinguished. Any member of the public, in person or by counsel, may submit testimony regarding the proposed action at the public hearing.

NEW SECTION. Sec. 5. A new section is added to chapter 36.01 RCW to read as follows:

Any county must hold a public hearing upon a proposal to remove, vacate, or extinguish a restrictive covenant from property owned by the county before the action is finalized. The public hearing must

p. 2 HB 1959

1 allow individuals to provide testimony regarding the proposed action. The county must provide notice of the public hearing at least ten 2 days before the hearing at its usual place of business and issue a 3 press release to local media providing the date, time, location, and 4 reason for the public hearing. The notice must be posted on the 5 6 county's web site if it is updated for any reason before the hearing. The notice must also identify the property and provide a brief 7 explanation of the restrictive covenant to be removed, vacated, or 8 extinguished. Any member of the public, in person or by counsel, may 9 10 submit testimony regarding the proposed action at the public hearing.

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p. 3 HB 1959