
ENGROSSED SUBSTITUTE SENATE BILL 6589

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Drew, Haugen, Hale, Spanel, Sheldon, Goings, Winsley, Finkbeiner, Snyder and Rasmussen)

Read first time 02/02/96.

1 AN ACT Relating to information from cities, towns, and counties
2 regarding restrictions on real estate; adding a new section to chapter
3 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new
4 section to chapter 36.70 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
7 to read as follows:

8 (1) A property owner may make a written request for a statement of
9 restrictions applicable to a single parcel, tract, lot, or block of
10 real property to the city or town in which the real property is
11 located.

12 (2) Within thirty days of the receipt of the request, the city or
13 town shall provide the owner, by registered mail, with a statement of
14 restrictions as described in subsection (3) of this section.

15 (3) The statement of restrictions shall include the following:

16 (a) The zoning currently applicable to the real property;

17 (b) Pending zoning changes currently advertised for public hearing
18 that would be applicable to the real property;

1 (c) Any designations made by the city or town pursuant to chapter
2 36.70A RCW of any portion of the real property as agricultural land,
3 forest land, mineral resource land, wetland, an area with a critical
4 recharging effect on aquifers used for potable water, a fish and
5 wildlife habitat conservation area, a frequently flooded area, and as
6 a geological hazardous area; and

7 (d) If information regarding the designations listed in (c) of this
8 subsection are not readily available, inform the owner of the procedure
9 by which the owner can obtain that site-specific information from the
10 city or town.

11 (4) If a city or town fails to provide the statement of
12 restrictions within thirty days after receipt of the written request,
13 the owner shall be awarded recovery of all attorneys' fees and costs
14 incurred in any successful application for a writ of mandamus to compel
15 production of a statement.

16 (5) For purposes of this section:

17 (a) "Owner" means any vested owner or any person holding the
18 buyer's interest under a recorded real estate contract in which the
19 seller is the vested owner; and

20 (b) "Real property" means a parcel, tract, lot or block: (i)
21 Containing a single-family residence that is occupied by the owner or
22 a member of his or her family, or rented to another by the owner; or
23 (ii) five acres or less in size.

24 (6) This section does not affect the vesting of permits or
25 development rights.

26 Nothing in this section shall be deemed to create any liability on
27 the part of a city or town.

28 NEW SECTION. Sec. 2. A new section is added to chapter 35A.21 RCW
29 to read as follows:

30 (1) A property owner may make a written request for a statement of
31 restrictions applicable to a single parcel, tract, lot, or block of
32 real property to the code city in which the real property is located.

33 (2) Within thirty days of the receipt of the request, the code city
34 shall provide the owner, by registered mail, with a statement of
35 restrictions as described in subsection (3) of this section.

36 (3) The statement of restrictions shall include the following:

37 (a) The zoning currently applicable to the real property;

1 (b) Pending zoning changes currently advertised for public hearing
2 that would be applicable to the real property;

3 (c) Any designations made by the code city pursuant to chapter
4 36.70A RCW of any portion of the real property as agricultural land,
5 forest land, mineral resource land, wetland, an area with a critical
6 recharging effect on aquifers used for potable water, a fish and
7 wildlife habitat conservation area, a frequently flooded area, and as
8 a geological hazardous area; and

9 (d) If information regarding the designations listed in (c) of this
10 subsection are not readily available, inform the owner of the procedure
11 by which the owner can obtain that site-specific information from the
12 code city.

13 (4) If a code city fails to provide the statement of restrictions
14 within thirty days after receipt of the written request, the owner
15 shall be awarded recovery of all attorneys' fees and costs incurred in
16 any successful application for a writ of mandamus to compel production
17 of a statement.

18 (5) For purposes of this section:

19 (a) "Owner" means any vested owner or any person holding the
20 buyer's interest under a recorded real estate contract in which the
21 seller is the vested owner; and

22 (b) "Real property" means a parcel, tract, lot or block: (i)
23 Containing a single-family residence that is occupied by the owner or
24 a member of his or her family, or rented to another by the owner; or
25 (ii) five acres or less in size.

26 (6) This section does not affect the vesting of permits or
27 development rights.

28 Nothing in this section shall be deemed to create any liability on
29 the part of a code city.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70 RCW
31 to read as follows:

32 (1) A property owner may make a written request for a statement of
33 restrictions applicable to a single parcel, tract, lot, or block of
34 real property located in an unincorporated portion of a county to the
35 county in which the real property is located.

36 (2) Within thirty days of the receipt of the request, the county
37 shall provide the owner, by registered mail, with a statement of
38 restrictions as described in subsection (3) of this section.

1 (3) The statement of restrictions shall include the following:

2 (a) The zoning currently applicable to the real property;

3 (b) Pending zoning changes currently advertised for public hearing
4 that would be applicable to the real property;

5 (c) Any designations made by the county pursuant to chapter 36.70A
6 RCW of any portion of the real property as agricultural land, forest
7 land, mineral resource land, wetland, an area with a critical
8 recharging effect on aquifers used for potable water, a fish and
9 wildlife habitat conservation area, a frequently flooded area, and as
10 a geological hazardous area; and

11 (d) If information regarding the designations listed in (c) of this
12 subsection are not readily available, inform the owner of the procedure
13 by which the owner can obtain that site-specific information from the
14 county.

15 (4) If a county fails to provide the statement of restrictions
16 within thirty days after receipt of the written request, the owner
17 shall be awarded recovery of all attorneys' fees and costs incurred in
18 any successful application for a writ of mandamus to compel production
19 of a statement.

20 (5) For purposes of this section:

21 (a) "Owner" means any vested owner or any person holding the
22 buyer's interest under a recorded real estate contract in which the
23 seller is the vested owner; and

24 (b) "Real property" means a parcel, tract, lot or block: (i)
25 Containing a single-family residence that is occupied by the owner or
26 a member of his or her family, or rented to another by the owner; or
27 (ii) five acres or less in size.

28 (6) This section does not affect the vesting of permits or
29 development rights.

30 Nothing in this section shall be deemed to create any liability on
31 the part of a county.

32 NEW SECTION. **Sec. 4.** This act takes effect January 1, 1997.

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