
SENATE BILL 6138

State of Washington 60th Legislature 2007 Regular Session

By Senators Roach and Stevens

Read first time 02/27/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to eminent domain payments and compensation;
2 amending RCW 8.26.055; and adding a new section to chapter 8.28 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 8.28 RCW
5 to read as follows:

6 For all condemnation proceedings under this title, the owner of a
7 building may recover from the acquiring agency lost income from
8 existing leases that are cancelled or not renewed as a result of the
9 condemnation proceeding. To recover lost income under this section,
10 the existing lease must be in effect before notice of the condemnation
11 proceeding is delivered to the owner of the building.

12 **Sec. 2.** RCW 8.26.055 and 1988 c 90 s 5 are each amended to read as
13 follows:

14 (1) In addition to amounts otherwise authorized by this chapter, a
15 displacing agency shall make a payment to or for a displaced person
16 displaced from a dwelling not eligible to receive a payment under RCW
17 8.26.045 if the dwelling was actually and lawfully occupied by the
18 displaced person for not less than ninety days immediately before (a)

1 the initiation of negotiations for acquisition of the dwelling, or (b)
2 in any case in which displacement is not a direct result of
3 acquisition, such other event as the lead agency prescribes. The
4 payment shall consist of the amount necessary to enable the person to
5 lease or rent for a period not to exceed forty-two months, a comparable
6 replacement dwelling, but not to exceed five thousand two hundred fifty
7 dollars; however, the payment must at least cover the difference in
8 lease amounts between the displaced person's dwelling and a comparable
9 replacement dwelling for the length of time that the displaced person
10 has been displaced from his or her dwelling. At the discretion of the
11 displacing agency, a payment under this subsection may be made in
12 periodic installments. Computation of a payment under this subsection
13 to a low-income displaced person for a comparable replacement dwelling
14 shall take into account the person's income.

15 (2) A person eligible for a payment under subsection (1) of this
16 section may elect to apply the payment to a down payment on, and other
17 incidental expenses pursuant to, the purchase of a decent, safe, and
18 sanitary replacement dwelling. The person may, at the discretion of
19 the displacing agency, be eligible under this subsection for the
20 maximum payment allowed under subsection (1) of this section, except
21 that, in the case of a displaced homeowner who has owned and occupied
22 the displacement dwelling for at least ninety days but not more than
23 one hundred eighty days immediately before the initiation of
24 negotiations for the acquisition of the dwelling, the payment shall not
25 exceed the payment the person would otherwise have received under RCW
26 8.26.045(1) had the person owned and occupied the displacement dwelling
27 one hundred eighty days immediately before the initiation of the
28 negotiations.

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