

**RCW 59.18.440 Relocation assistance for low-income tenants—
Certain cities, towns, counties, municipal corporations authorized to
require.** (1) Any city, town, county, or municipal corporation that is
required to develop a comprehensive plan under RCW 36.70A.040(1) is
authorized to require, after reasonable notice to the public and a
public hearing, property owners to provide their portion of reasonable
relocation assistance to low-income tenants upon the demolition,
substantial rehabilitation whether due to code enforcement or any
other reason, or change of use of residential property, or upon the
removal of use restrictions in an assisted-housing development. No
city, town, county, or municipal corporation may require property
owners to provide relocation assistance to low-income tenants, as
defined in this chapter, upon the demolition, substantial
rehabilitation, upon the change of use of residential property, or
upon the removal of use restrictions in an assisted-housing
development, except as expressly authorized herein or when authorized
or required by state or federal law. As used in this section,
"assisted housing development" means a multifamily rental housing
development that either receives government assistance and is defined
as federally assisted housing in RCW 59.28.020, or that receives other
federal, state, or local government assistance and is subject to use
restrictions.

(2) As used in this section, "low-income tenants" means tenants
whose combined total income per dwelling unit is at or below fifty
percent of the median income, adjusted for family size, in the county
where the tenants reside.

The *department of community, trade, and economic development
shall adopt rules defining county median income in accordance with the
definitions promulgated by the federal department of housing and urban
development.

(3) A requirement that property owners provide relocation
assistance shall include the amounts of such assistance to be provided
to low-income tenants. In determining such amounts, the jurisdiction
imposing the requirement shall evaluate, and receive public testimony
on, what relocation expenses displaced tenants would reasonably incur
in that jurisdiction including:

- (a) Actual physical moving costs and expenses;
- (b) Advance payments required for moving into a new residence
such as the cost of first and last month's rent and security and
damage deposits;
- (c) Utility connection fees and deposits; and
- (d) Anticipated additional rent and utility costs in the
residence for one year after relocation.

(4) (a) Relocation assistance provided to low-income tenants under
this section shall not exceed two thousand dollars for each dwelling
unit displaced by actions of the property owner under subsection (1)
of this section. A city, town, county, or municipal corporation may
make future annual adjustments to the maximum amount of relocation
assistance required under this subsection in order to reflect any
changes in the housing component of the consumer price index as
published by the United States department of labor, bureau of labor
statistics.

(b) The property owner's portion of any relocation assistance
provided to low-income tenants under this section shall not exceed
one-half of the required relocation assistance under (a) of this
subsection in cash or services.

(c) The portion of relocation assistance not covered by the property owner under (b) of this subsection shall be paid by the city, town, county, or municipal corporation authorized to require relocation assistance under subsection (1) of this section. The relocation assistance may be paid from proceeds collected from the excise tax imposed under RCW 82.46.010.

(5) A city, town, county, or municipal corporation requiring the provision of relocation assistance under this section shall adopt policies, procedures, or regulations to implement such requirement. Such policies, procedures, or regulations shall include provisions for administrative hearings to resolve disputes between tenants and property owners relating to relocation assistance or unlawful detainer actions during relocation, and shall require a decision within thirty days of a request for a hearing by either a tenant or property owner.

Judicial review of an administrative hearing decision relating to relocation assistance may be had by filing a petition, within ten days of the decision, in the superior court in the county where the residential property is located. Judicial review shall be confined to the record of the administrative hearing and the court may reverse the decision only if the administrative findings, inferences, conclusions, or decision is:

- (a) In violation of constitutional provisions;
 - (b) In excess of the authority or jurisdiction of the administrative hearing officer;
 - (c) Made upon unlawful procedure or otherwise is contrary to law;
- or
- (d) Arbitrary and capricious.

(6) Any city, town, county, or municipal corporation may require relocation assistance, under the terms of this section, for otherwise eligible tenants whose living arrangements are exempted from the provisions of this chapter under RCW 59.18.040(3) and if the living arrangement is considered to be a rental or lease not defined as a retail sale under RCW 82.04.050.

(7) (a) Persons who move from a dwelling unit prior to the application by the owner of the dwelling unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of residential property or prior to any notification or filing required for condominium conversion shall not be entitled to the assistance authorized by this section.

(b) Persons who move into a dwelling unit after the application for any necessary governmental permit or after any required condominium conversion notification or filing shall not be entitled to the assistance authorized by this section if such persons receive written notice from the property owner prior to taking possession of the dwelling unit that specifically describes the activity or condition that may result in their temporary or permanent displacement and advises them of their ineligibility for relocation assistance. [1997 c 452 § 17; 1995 c 399 § 151; 1990 1st ex.s. c 17 § 49.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Intent—Severability—1997 c 452: See notes following RCW 67.28.080.

Savings—1997 c 452: See note following RCW 67.28.181.

Severability—Part, section headings not law—1990 1st ex.s. c 17:
See RCW 36.70A.900 and 36.70A.901.