

WAC 468-100-101 Applicability of acquisition requirements. General:

(1) Except as provided in subsection (2) of this section, the requirements of RCW 8.26.180 through 8.26.200 apply to any agency acquisition of real property for a program or project where the agency's program or project is carried out under threat of eminent domain including amicable agreements. The requirements of RCW 8.26.180 through 8.26.200 also apply to any project or program where there is an intended, planned, or designated project area, and all, or substantially all, of the property within that area is eventually intended to be acquired, whether the agency has or intends to use the power of eminent domain. The relocation assistance provisions in this chapter are not applicable to owner-occupants who move as a result of a voluntary acquisition. The relocation assistance provisions in this part are applicable to tenants who must permanently relocate as a result of an acquisition described in subsection (2)(a) through (b) of this section. Such tenants are considered displaced persons.

(2) Provided it does not conflict with subsection (1) of this section, an agency may determine that the requirements of RCW 8.26.180 through 8.26.200 do not apply to:

(a) Voluntary transactions (defined in WAC 468-100-002 (36)) that meet the following conditions:

(i) The agency provides written notice, no later than the time of the offer, informing the owner, or owner's representative, of the property's estimated fair market value and that the acquisition process will terminate if agreement cannot be reached;

(ii) The agency will not be using eminent domain to acquire the property;

(iii) The agency will be treating all owners similarly if seeking to purchase more than one property within a general geographic area; and

(iv) The property is not part of an intended, planned, or designated project area where all, or substantially all, of the property within the area must be acquired within specific time limits.

(b) **Agencies with no condemnation authority.** The acquiring agency lacks authority to acquire the property through condemnation.

(c) **Acquisition by a cooperative.** The acquisition of real property by a cooperative from a person who, as a condition of membership in the cooperative, has agreed to provide without charge any real property that is needed by the cooperative.

(3) **Less than full fee interest in real property.**

(a) The provision of this part applies when acquiring fee title subject to retention of a life estate or a life use; to acquisition by leasing where the lease term, including option(s) for extension, is 50 years or more; and, to the acquisition of permanent and/or temporary easements necessary for the project. However, the agency may apply the regulations in this subpart to any less-than-full-fee acquisition that, in its sole judgment and discretion, should be covered.

(b) The provisions of this subpart do not apply to temporary easements or permits needed solely to perform work intended exclusively for the benefit of the property owner, which work may not be done if agreement cannot be reached.

[Statutory Authority: RCW 8.26.085. WSR 26-11-009, s 468-100-101, filed 5/11/26, effective 6/11/26. Statutory Authority: Chapter 8.26 RCW. WSR 06-02-068, § 468-100-101, filed 1/3/06, effective 2/3/06; WSR

89-17-048 (Order 121), § 468-100-101, filed 8/14/89, effective
9/14/89.]