

INITIATIVE 761

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 761 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to restricting the use of privately owned real
2 property; and adding a new section to Title 64 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to Title 64 RCW to
5 read as follows:

6 (1) Except under subsection (2) of this section, if the state of
7 Washington or a political subdivision of the state passes or enforces
8 any regulation, law, rule, ordinance, resolution, goal, or other
9 enforceable act of government that restricts the use of privately owned
10 real property, including any structure built or sited on the property,
11 aggregate and other removable minerals, and any forest product or other
12 crop grown on the property, and the restriction has the effect of
13 reducing the value of a property upon which the restriction is imposed
14 for more than ninety days; the property owner shall be paid just
15 compensation for the reduction in the fair market value of the
16 property, plus reasonable attorneys' fees and expenses necessary to
17 collect the compensation.

1 (2) This section does not apply to eminent domain proceedings under
2 Title 8 RCW, or the regulation of public nuisances as defined in
3 chapters 7.48 and 9.66 RCW, or as otherwise defined by law.

4 (3) For purposes of this section, "reduction in the fair market
5 value" means the difference in the fair market value of the property
6 before and after enactment or application of the restriction, and
7 includes the net cost to the landowner of an affirmative obligation to
8 protect, provide, or preserve environmental quality; wildlife habitat;
9 natural areas; wetlands; ecosystems; scenery; open space; historical,
10 archaeological, or cultural resources; or low-income housing. An
11 appraisal report from a real property appraiser licensed under chapter
12 18.140 RCW constitutes prima facie evidence of a "reduction in the fair
13 market value."

14 NEW SECTION. **Sec. 2.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

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