

with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers or to prohibit the metropolitan municipal corporation from providing school bus service for the transportation of pupils.

(15) "Pollution" has the meaning given in RCW 90.48.020.

NEW SECTION. Sec. 13. Sections 1 through 11 of this 1977 amendatory act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 14. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. In the event the provisions in section 4 requiring approval by both the voters of a central city and the county voters residing outside of the central city are held to be invalid, then such provisions shall be severable and the ballot proposition on the transfer of the metropolitan municipal corporation to the county shall be decided by the majority vote of the voters voting thereon in a county-wide election.

NEW SECTION. Sec. 15. This 1977 amendatory act shall take effect July 1, 1978.

Passed the Senate June 7, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

CHAPTER 278

[Engrossed Substitute Senate Bill No. 2654]
STATE ENVIRONMENTAL POLICY

AN ACT Relating to environmental policy; amending section 2, chapter 179, Laws of 1973 1st ex. sess. as amended by section 2, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.080; amending section 6, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.060; adding new sections to chapter 43.21C RCW; providing effective dates; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 179, Laws of 1973 1st ex. sess. as amended by section 2, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.080 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in subsection (3) of this section and in the following manner:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) ~~((Where no detailed statement is filed and where the property which is the subject matter of the action is under ten acres, such action shall be publicized by sending a notice of such action through the United States mail, first class, postage prepaid, to all owners of property abutting the property which is the subject matter of such action, as such property owners appear on the property tax rolls of the county treasurer. An affidavit of mailing of such notice may be filed with the department of ecology at the same time as the filing of the notice of the governmental action.))~~ Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of last newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2) (a) Any action to set aside, enjoin, review, or otherwise challenge any such governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ~~((sixty))~~ thirty days from the date of ~~((filing of the notice with the department of ecology, the date of final newspaper publication, or date of mailing, if applicable, whichever is later))~~ last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred: PROVIDED, HOWEVER, That ((+)) the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or ((2)) (ii) for thermal power plant projects: PROVIDED FURTHER, That any subsequent governmental action ((of the acting governmental agency for which the regulations of the acting governmental agency permit the same detailed statement to be utilized and as long as there is no substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030(2)(c)) on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation. (b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

NOTICE OF ACTION BY

.....
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that: The (Government agency or entity) did on (date), take the action (~~((which may or may not be held or deemed to be "a major action significantly affecting the quality of the environment"))~~) described below.

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within days or be barred.

The action taken by (Government agency or entity), notice of which is hereby given, was as follows:

(1) (Here insert description of action taken such as: Adoption Ordinance No.; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:
.....
.....
.....
(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: located at:

.....
(Location, including room number)

.....
(Name of government agency, proponent, or applicant giving notice)

Filed by
(Signature of individual and capacity in which such individual is signing)

Sec. 2. Section 6, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.060 are each amended to read as follows:

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties: **PROVIDED, HOWEVER, That any governmental action, not requiring a legislative decision, may be conditioned or denied pursuant to this chapter only on the basis of specific adverse environmental impacts which are both identified in the environmental documents prepared pursuant to the chapter and stated in writing by the responsible**

official of the acting governmental agency. In the case of counties with a population of more than seventy thousand people and cities with a population of more than thirty-seven thousand people, such conditions or denials made more than one year from the effective date of this 1977 amendatory act shall also be based upon policies developed by the appropriate local governmental authority and incorporated into resolutions, regulations, ordinances, plans, or codes. In the case of counties with a population of less than seventy thousand people and cities with a population of less than thirty-seven thousand people, such conditions or denials made more than three years from the effective date of this 1977 amendatory act shall also be based upon policies developed by the appropriate local governmental authority, and incorporated into resolutions, regulations, ordinances, plans, or codes: PROVIDED, FURTHER, That, except for permits and variances issued pursuant to chapter 90-.58 RCW, when such a governmental action, not requiring a legislative decision, is conditioned or denied by a nonelected official of a local governmental agency, the decision shall be appealable to the legislative authority of the acting local governmental agency in accordance with procedures established for such appeals by the legislative authority of the acting local governmental agency.

Passed the Senate June 6, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

CHAPTER 279

[Engrossed Senate Bill No. 2668]

MOBILE HOME LANDLORD-TENANT ACT

AN ACT Relating to landlord and tenant; and adding a new chapter to Title 59 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Mobile Home Landlord-Tenant Act".

NEW SECTION. Sec. 2. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 3. For purposes of this chapter:

(1) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(2) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use of the occupants of that mobile home;

(3) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income;

(4) "Tenant" means any person, except a transient, who rents a mobile home lot;