
ENGROSSED SUBSTITUTE HOUSE BILL 2849

State of Washington **66th Legislature** **2020 Regular Session**

By House Capital Budget (originally sponsored by Representatives Tharinger, DeBolt, Macri, Robinson, Chopp, Harris, Leavitt, Ramel, and Lekanoff)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to housing programs administered by the
2 department of commerce; amending RCW 43.185.010, 43.185A.010,
3 43.185.030, 43.185A.020, 43.185.050, 43.185.070, 43.185.110,
4 43.185A.060, 43.185A.070, 43.185.074, 18.85.285, 18.85.311,
5 31.04.025, 39.35D.080, 43.63A.680, 43.185C.200, 43.185C.210,
6 47.12.063, 59.24.060, 82.14.400, and 82.45.100; adding new sections
7 to chapter 43.185A RCW; adding a new section to chapter 43.185B RCW;
8 recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070,
9 43.185.074, 43.185.080, 43.185.140, and 43.185.110; and repealing RCW
10 43.185.015, 43.185.020, 43.185A.030, 43.185A.050, 43.185.060,
11 43.185.076, 43.185.090, 43.185.100, 43.185A.090, 43.185A.100,
12 43.185A.110, 43.185A.120, 43.185.120, 43.185.130, 43.185A.900, and
13 43.185.910.

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

15 **Sec. 1.** RCW 43.185.010 and 1991 c 356 s 1 are each amended to
16 read as follows:

17 The legislature finds that current economic conditions, federal
18 housing policies, and declining resources at the federal, state, and
19 local level adversely affect the ability of low and very low-income
20 persons to obtain safe, decent, and affordable housing.

1 The legislature further finds that members of over one hundred
2 (~~twenty thousand households live in housing units which are~~
3 ~~overcrowded, lack plumbing, are otherwise threatening to health and~~
4 ~~safety, and have rents and utility payments which exceed thirty~~
5 ~~percent of their income)) fifty thousand households pay more than
6 fifty percent of their income for rent and housing costs.~~

7 The legislature further finds that minorities, rural households,
8 and migrant farmworkers require housing assistance at a rate which
9 significantly exceeds their proportion of the general population.

10 The legislature further finds that one of the most dramatic
11 housing needs is that of persons needing special housing-related
12 services, such as (~~the mentally ill~~) individuals with mental
13 illness, recovering alcoholics, frail elderly persons, families with
14 members who have disabilities, and single parents. These services
15 include medical assistance, counseling, chore services, and child
16 care, resulting in a need for a significant investment of ongoing
17 operating funding in addition to the underlying capital investments.

18 The legislature further finds that (~~housing assistance programs~~
19 ~~in the past have often failed to help those in greatest need~~)
20 through the housing trust fund program, since 1986 the state has
21 invested more than one billion dollars in order to provide over fifty
22 thousand units of safe and affordable housing to low-income
23 individuals.

24 (~~The legislature declares that it is in the public interest to~~
25 ~~establish a continuously renewable resource known as the housing~~
26 ~~trust fund and housing assistance program to assist low and very low-~~
27 ~~income citizens in meeting their basic housing needs, and that the~~
28 ~~needs of very low-income citizens should be given priority and that~~
29 ~~whenever feasible, assistance should be in the form of loans.))~~

30 **Sec. 2.** RCW 43.185A.010 and 2013 c 145 s 4 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Affordable housing" means residential housing for rental
35 occupancy which, as long as the same is occupied by low-income
36 households, requires payment of monthly housing costs, including
37 utilities other than telephone, of no more than thirty percent of the
38 family's income. The department must adopt policies for residential
39 homeownership housing, occupied by low-income households, which

1 specify the percentage of family income that may be spent on monthly
2 housing costs, including utilities other than telephone, to qualify
3 as affordable housing.

4 (2) "Contracted amount" (~~((has the same meaning as provided in RCW~~
5 ~~43.185.020))~~) means the aggregate amount of all state funding for
6 which the department has monitoring and compliance responsibility.

7 (3) "Department" means the department of commerce.

8 (4) "Director" means the director of the department of commerce.

9 (5) "Extremely low-income household" means a single person,
10 family, or unrelated persons living together whose adjusted income is
11 either:

12 (a) Up to thirty percent of the median family income, adjusted
13 for household size, for the county where the project is located; or

14 (b) Up to fifty percent of the median family income, adjusted for
15 household size, for the county where the project is located, when the
16 project is located in a rural area, as defined by the department.

17 (6) "First-time home buyer" means an individual who meets any of
18 the following criteria:

19 (a) An individual or ((his or her)) the individual's spouse ((or
20 domestic partner)) who ((have not owned a home)) has had no ownership
21 in a principal residence during the three-year period ((prior to
22 purchase of a home)) ending on the date of purchase of the property;

23 (b) A single parent who has only owned a home with a former
24 spouse while married;

25 (c) An individual who is a displaced homemaker as defined in 24
26 C.F.R. Sec. 93.2 as it exists on the effective date of this section,
27 or such subsequent date as may be provided by the department by rule,
28 consistent with the purposes of this section, and has only owned a
29 home with a spouse;

30 (d) An individual who has only owned a principal residence not
31 permanently affixed to a permanent foundation in accordance with
32 applicable regulations; or

33 (e) An individual who has only owned a property that is discerned
34 by a licensed building inspector as being uninhabitable.

35 ~~((+6))~~ (7) "Low-income household" means a single person, family,
36 or unrelated persons living together whose adjusted income is ~~((less~~
37 ~~than))~~ up to eighty percent of the median family income, adjusted for
38 household size, for the county where the project is located.

1 **Sec. 3.** RCW 43.185.030 and 2016 sp.s. c 36 s 936 are each
2 amended to read as follows:

3 (1) There is hereby created in the state treasury an account to
4 be known as the Washington housing trust fund. The housing trust fund
5 shall include revenue from the sources established by this chapter,
6 appropriations by the legislature, private contributions, repayment
7 of loans, and all other sources. (~~During the 2015-2017 fiscal~~
8 biennium, the legislature may transfer from the Washington housing
9 trust fund to the home security fund account and to the state general
10 fund such amounts as reflect the excess balance in the fund.)) Moneys
11 in the account may be spent only after appropriation.

12 (2) The housing portfolio monitoring account is created in the
13 state treasury. Revenues in the account consist of moneys transferred
14 to the account pursuant to this section and any other moneys
15 appropriated or transferred to the account by the legislature. Moneys
16 in the account may be spent only after appropriation. Expenditures
17 from the account may be used only for costs associated with
18 compliance and monitoring activities of the department as required in
19 RCW 43.185A.070.

20 (3) The department shall, on or before June 30th of each year,
21 certify to the state treasurer the amount needed for administrative
22 costs for compliance and monitoring activities in the following
23 fiscal year. This amount may not exceed one-quarter of one percent of
24 the annual contracted amount of state investment in the housing trust
25 fund program.

26 (4) On July 1st of each year, the state treasurer shall transfer
27 from the housing trust fund account to the housing portfolio
28 monitoring account an amount equal to the amount certified by the
29 department in this section.

30 **Sec. 4.** RCW 43.185A.020 and 1995 c 399 s 103 are each amended to
31 read as follows:

32 The (~~affordable~~) housing trust fund program is created in the
33 department for the purpose of developing and preserving affordable
34 housing and coordinating public and private resources targeted to
35 meet the affordable housing needs of low-income households in the
36 state of Washington. The program shall be developed and administered
37 by the department with advice and input from the affordable housing
38 advisory board established in RCW 43.185B.020.

1 **Sec. 5.** RCW 43.185.050 and 2018 c 223 s 4 are each amended to
2 read as follows:

3 (1) The department must use moneys from the housing trust fund
4 and other legislative appropriations to finance in whole or in part
5 any ~~((loans))~~ loan or grant projects that will provide affordable
6 housing for persons and families with special housing needs and
7 ~~((with incomes at or below fifty percent of the median family income~~
8 ~~for the county or standard metropolitan statistical area where the~~
9 ~~project is located))~~ who are low-income households. At least thirty
10 percent of these moneys used in any given funding cycle must be for
11 the benefit of projects located in rural areas of the state as
12 defined by the department. If the department determines that it has
13 not received an adequate number of suitable applications for rural
14 projects during any given funding cycle, the department may allocate
15 unused moneys for projects in nonrural areas of the state.

16 (2) Activities eligible for assistance from the housing trust
17 fund and other legislative appropriations include, but are not
18 limited to:

19 (a) New construction, rehabilitation, or acquisition of ~~((low and~~
20 ~~very))~~ low-income housing units;

21 (b) ~~((Rent subsidies;~~

22 ~~(c) Matching funds for social services directly related to~~
23 ~~providing housing for special-need tenants in assisted projects;~~

24 ~~(d))~~ Down payment or closing costs assistance for low-income
25 first-time home buyers;

26 (c) Technical assistance, design and finance services and
27 consultation, and administrative costs for eligible nonprofit
28 community or neighborhood-based organizations;

29 ~~((c) Administrative costs for housing assistance groups or~~
30 ~~organizations when such grant or loan will substantially increase the~~
31 ~~recipient's access to housing funds other than those available under~~
32 ~~this chapter;~~

33 ~~(f))~~ (d) Shelters ~~((and related services))~~ for the homeless,
34 including emergency shelters and overnight youth shelters;

35 ~~((g) Mortgage subsidies, including temporary rental and mortgage~~
36 ~~payment subsidies to prevent homelessness;~~

37 ~~(h) Mortgage insurance guarantee or payments for eligible~~
38 ~~projects;~~

39 ~~(i) Down payment or closing cost assistance for eligible first-~~
40 ~~time home buyers;~~

1 ~~(j))~~ (e) Acquisition of housing units for the purpose of
2 preservation as low-income or very low-income housing;

3 ~~((k) Projects))~~ (f) Affordable housing projects making housing
4 more accessible to ~~((families))~~ low-income households with members
5 who have disabilities; and

6 ~~((l))~~ (g) Remodeling and improvements as required to meet
7 building code, licensing requirements, or legal operations to
8 residential properties owned and operated by an entity eligible under
9 RCW 43.185A.040, which were transferred as described in RCW
10 82.45.010(3)(t) by the parent of a child with developmental
11 disabilities.

12 ~~(3) ((Preference must be given for projects that include an early
13 learning facility.~~

14 ~~(4))~~ Legislative appropriations from capital bond proceeds may
15 not be used ~~((only))~~ for the costs ~~((of projects))~~ authorized under
16 subsection (2) ~~((a), (i), and (j))~~ (c) of this section ~~((, and not
17 for the administrative costs of the department))~~.

18 ~~((5))~~ (4) Moneys received from repayment of housing trust fund
19 loans that were made from appropriations from capital bond proceeds
20 may be used for all activities necessary for the proper functioning
21 of the housing ~~((assistance))~~ trust fund program ~~((except for
22 activities authorized under subsection (2)(b) and (c) of this
23 section))~~ including, but not limited to, providing preservation
24 funding, as provided in section 8 of this act.

25 ~~((6) Administrative))~~ (5)(a) The department may spend up to
26 three percent of the housing trust fund appropriation for
27 administrative costs associated with application, distribution, and
28 project development activities of the department ~~((may not exceed
29 three percent of the annual funds available for the housing
30 assistance program. Reappropriations must not be included in the
31 calculation of the annual funds available for determining the
32 administrative costs))~~.

33 ~~((7))~~ (b) Administrative costs associated with compliance and
34 monitoring activities of the department may not exceed one-quarter of
35 one percent annually of the contracted amount of state investment in
36 the housing ~~((assistance))~~ trust fund program.

37 (c) In addition to the administrative costs authorized under (a)
38 and (b) of this subsection, the department may spend up to an
39 additional one percent of the housing trust fund appropriation if the
40 following conditions are met:

1 (i) The department submits a spending plan to the office of
2 financial management and the appropriate fiscal committees of the
3 legislature detailing total anticipated administrative costs; and

4 (ii) The director of the office of financial management finds
5 that the spending plan exceeds the funding authorized in this
6 subsection (5) and the amount certified in RCW 43.185.030 (as
7 recodified by this act) and provides written authorization for the
8 department to spend up to an additional one percent of the housing
9 trust fund appropriation.

10 (iii) The director of the office of financial management shall
11 notify the appropriate fiscal committees of the legislature in
12 writing ten days prior to authorizing additional expenditures under
13 this subsection.

14 (d) The department may not charge fees under RCW 43.330.152 for
15 the housing trust fund program.

16 **Sec. 6.** RCW 43.185.070 and 2019 c 325 s 5013 are each amended to
17 read as follows:

18 (1) During each calendar year in which funds from the housing
19 trust fund or other legislative appropriations are available for use
20 by the department for the housing ~~((assistance))~~ trust fund program,
21 the department must announce to all known interested parties, and
22 ~~((through major media throughout the state))~~ on its web site, a grant
23 and loan application period of at least ninety days' duration. This
24 announcement must be made as often as the director deems appropriate
25 for proper utilization of resources. The department must then
26 promptly ~~((grant))~~ award as many applications as will utilize
27 available funds less appropriate administrative costs of the
28 department as provided in RCW 43.185.050 (as recodified by this act).

29 (2) In awarding funds under this chapter, the department must:

30 (a) Provide for a geographic distribution on a statewide basis;
31 and

32 (b) ~~((Until June 30, 2013, consider))~~ Consider the total cost and
33 per-unit cost of each project for which an application is submitted
34 for funding ~~((under RCW 43.185.050(2) (a) and (j))~~), as compared to
35 similar housing projects constructed or renovated within the same
36 geographic area.

37 ~~((The department, with advice and input from the affordable~~
38 ~~housing advisory board established in RCW 43.185B.020, or a~~
39 ~~subcommittee of the affordable housing advisory board, must report~~

1 ~~recommendations for awarding funds in a cost-effective manner. The~~
2 ~~report must include an implementation plan, timeline, and any other~~
3 ~~items the department identifies as important to consider to the~~
4 ~~legislature by December 1, 2012.~~

5 ~~(4)) The department must give first priority to applications for~~
6 ~~projects and activities ((which utilize existing privately owned~~
7 ~~housing stock including privately owned housing stock purchased by~~
8 ~~nonprofit public development authorities and public housing~~
9 ~~authorities as created in chapter 35.82 RCW. As used in this~~
10 ~~subsection, privately owned housing stock includes housing that is~~
11 ~~acquired by a federal agency through a default on the mortgage by the~~
12 ~~private owner. Such projects and activities must be evaluated under~~
13 ~~subsection (5) of this section. Second priority must be given to~~
14 ~~activities and projects which utilize existing publicly owned housing~~
15 ~~stock)) that increase the total number of units of affordable housing~~
16 ~~in the state. All projects and activities must be evaluated by some~~
17 ~~or all of the criteria under subsection (5) of this section, and~~
18 ~~similar projects and activities shall be evaluated under the same~~
19 ~~criteria.~~

20 (4) The department must use a separate application form for
21 applications to provide homeownership opportunities and evaluate
22 homeownership project applications as allowed under chapter 43.185A
23 RCW.

24 (5) The department must give preference for applications based on
25 some or all of the criteria under this subsection, and similar
26 projects and activities must be evaluated under the same criteria:

27 (a) The degree of leveraging of other funds that will occur;

28 (b) The degree of commitment from programs to provide necessary
29 habilitation and support services for projects focusing on special
30 needs populations;

31 (c) Recipient contributions to total project costs, including
32 allied contributions from other sources such as professional, craft
33 and trade services, and lender interest rate subsidies;

34 (d) Local government project contributions in the form of
35 infrastructure improvements, affordable housing financing, and
36 others;

37 (e) Projects that encourage ownership, management, and other
38 project-related responsibility opportunities;

1 (f) Projects that demonstrate a strong probability of serving the
2 original target group or income level for a period of at least
3 twenty-five years;

4 (g) The applicant has the demonstrated ability, stability and
5 resources to implement the project;

6 (h) Projects which demonstrate serving the greatest need;

7 (i) Projects that provide housing for persons and families with
8 the lowest incomes;

9 (j) Projects serving special needs populations which (~~are~~
10 ~~under~~) fulfill statutory (~~mandate~~) mandates to develop community
11 housing;

12 (k) Project location and access to employment centers in the
13 region or area;

14 (l) Projects that provide employment and training opportunities
15 for disadvantaged youth under a youthbuild or youthbuild-type program
16 as defined in RCW 50.72.020;

17 (m) Project location and access to available public
18 transportation services; (~~and~~)

19 (n) Projects involving collaborative partnerships between local
20 school districts and either public housing authorities or nonprofit
21 housing providers, that help children of low-income families succeed
22 in school. To receive this preference, the local school district must
23 provide an opportunity for community members to offer input on the
24 proposed project at the first scheduled school board meeting
25 following submission of the grant application to the department;

26 (o) The degree of funding that has already been committed to the
27 project by nonstate entities; and

28 (p) Projects that demonstrate a strong readiness to proceed to
29 construction.

30 (5) Preference must be given for projects that include an early
31 learning facility.

32 (6) The department must develop, with advice and input from the
33 affordable housing advisory board established in RCW 43.185B.020, or
34 a subcommittee of the affordable housing advisory board:

35 (a) Additional criteria to evaluate applications for assistance
36 under this chapter; and

37 (b) Recommendations for awarding funding under RCW 43.185.050 (as
38 recodified by this act) in a cost-effective manner.

1 **Sec. 7.** RCW 43.185.110 and 2019 c 325 s 5014 are each amended to
2 read as follows:

3 The affordable housing advisory board established in RCW
4 43.185B.020 shall advise the director on housing needs in this state,
5 including housing needs for persons with mental illness or
6 developmental disabilities or youth who are blind or deaf or
7 otherwise disabled, operational aspects of the grant and loan program
8 or revenue collection programs established by ~~((this))~~ chapter
9 43.185A RCW, and implementation of the policy and goals of ~~((this))~~
10 that chapter. ~~((Such advice shall be consistent with policies and~~
11 ~~plans developed by behavioral health administrative services~~
12 ~~organizations according to chapter 71.24 RCW for individuals with~~
13 ~~mental illness and the developmental disabilities planning council~~
14 ~~for individuals with developmental disabilities.))~~

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.185A
16 RCW to read as follows:

17 PRESERVATION PROGRAM. (1) In order to maintain the long-term
18 viability of affordable housing, using funding from the housing trust
19 fund account established under RCW 43.185.030 (as recodified by this
20 act) or from other legislative appropriations, the department may
21 make competitive grant or loan awards to projects in need of major
22 building improvements, preservation repairs, or system replacements.

23 (2) The department must solicit and review applications and
24 evaluate projects based on the following criteria:

25 (a) The age of the property, with priority given to buildings
26 that are more than fifteen years old;

27 (b) The population served, with priority given to projects
28 serving persons or families with the lowest incomes;

29 (c) The degree to which the applicant demonstrates that the
30 improvements will result in a reduction of operating or utility
31 costs, or both;

32 (d) The potential for additional years added to the affordability
33 commitment period of the property; and

34 (e) Other criteria that the department considers necessary to
35 achieve the purpose of the housing trust fund program.

36 (3) The department must require an award recipient to submit a
37 property capital needs assessment, in a form acceptable to the
38 department, prior to contract execution.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.185A
2 RCW to read as follows:

3 REPORTING. (1) The department must report on its web site on an
4 annual basis, for each funding cycle:

5 (a) The number of homeownership and multifamily rental projects
6 funded;

7 (b) The percentage of funding allocated to homeownership and
8 multifamily rental projects; and

9 (c) For both homeownership and multifamily rental projects, the
10 total number of households being served at up to eighty percent of
11 the area median income, up to fifty percent of the area median
12 income, and up to thirty percent of the area median income.

13 (2) All housing trust fund loan or grant recipients must provide
14 certified final development cost reports to the department in a form
15 acceptable to the department. The department must use the certified
16 final development cost reports data as part of its cost containment
17 policy and to report to the legislature. Beginning December 1, 2021,
18 and continuing every odd-numbered year, the department must provide
19 the appropriate committees of the legislature with a report of its
20 final cost data for each project funded through the housing trust
21 fund. Such cost data must, at a minimum, include:

22 (a) Total development cost per unit for each project completed
23 within the past two complete fiscal years; and

24 (b) Descriptive statistics such as average and median per unit
25 costs, regional cost variation, and other costs that the department
26 deems necessary to improve cost controls and enhance understanding of
27 development costs.

28 (3) The department must coordinate with the housing finance
29 commission to identify relevant development costs data and ensure
30 that the measures are consistent across relevant agencies.

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.185A
32 RCW to read as follows:

33 (1) The department may provide project funding in the form of
34 loans or grants.

35 (2) (a) When the department provides a loan for projects
36 dedicating at least half of their housing units or beds to very low-
37 income households as defined in RCW 43.63A.510, or to homeless
38 persons as defined in RCW 43.185C.010, or to people in need of
39 permanent supportive housing as defined in RCW 36.70A.030, the

1 department must defer all loan payments. Loans subject to deferred
2 payments under this subsection must be payable in full, including
3 accrued one percent simple interest, at the end of the project's loan
4 term, on the sale, or on change of use of the project, unless
5 otherwise negotiated with the department and annual loan payments are
6 reinstated. However, if the sale of the property is to the original
7 project sponsor or to an entity in which the original sponsor has
8 controlling authority, the department may continue the deferral.

9 (b) When the department provides a loan for a project that is not
10 subject to deferred payments under (a) of this subsection, the
11 department must define cash-flow payment loan terms and conditions.
12 For projects that receive a low-income tax credit, the loan payment
13 must start when the low-income housing tax credit investor exits or
14 the project refinances, whichever comes first, but in no case before
15 the end of the initial low-income housing tax credit fifteen year
16 compliance period.

17 (3) With advice and input from the affordable housing advisory
18 board established in RCW 43.185B.020, the department must develop
19 recommendations for loan terms and conditions for projects not
20 covered by subsection (2)(a) of this section. The department must
21 submit a report containing these recommendations to the governor and
22 the legislature by December 31, 2020.

23 **Sec. 11.** RCW 43.185A.060 and 1991 c 356 s 15 are each amended to
24 read as follows:

25 The department shall adopt policies to ensure that the state's
26 interest will be protected upon either the sale or change of use of
27 projects financed in whole or in part under RCW (~~(43.185A.030(2)(a),~~
28 ~~(b), (c), (d), and (e))~~) 43.185.050 (as recodified by this act).
29 These policies may include, but are not limited to: (1) Requiring
30 payment to the state of a share of the appreciation in the project in
31 proportion to the state's contribution to the project; (2) requiring
32 a lump-sum repayment of the loan or grant upon the sale or change of
33 use of the project; or (3) requiring a deferred payment of principal
34 or principal and interest on loans after a specified time period. The
35 policies must require projects to remain as affordable housing for a
36 minimum of forty years except for projects that provide homes for
37 low-income first-time home buyers, which must remain affordable for a
38 minimum of twenty-five years.

1 **Sec. 12.** RCW 43.185A.070 and 1991 c 356 s 16 are each amended to
2 read as follows:

3 The director shall monitor, to the extent funds are appropriated
4 for this purpose, the activities of recipients of grants and loans
5 under this chapter to determine compliance with the terms and
6 conditions set forth in its application or stated by the department
7 in connection with the grant or loan.

8 **Sec. 13.** RCW 43.185.074 and 1987 c 513 s 11 are each amended to
9 read as follows:

10 The director shall designate grant and loan applications for
11 approval and for funding under the revenue from remittances made
12 pursuant to RCW ((18.85.310)) 18.85.285. ((These applications shall
13 then be reviewed for final approval by the broker's trust account
14 board created by RCW 18.85.500.

15 ~~The director shall submit to the broker's trust account board~~
16 ~~within any fiscal year only such applications which in their~~
17 ~~aggregate total funding requirements do not exceed the revenue to the~~
18 ~~housing trust fund [fund] from remittances made pursuant to RCW~~
19 ~~18.85.310 for the previous fiscal year.))~~

20 **Sec. 14.** RCW 18.85.285 and 2008 c 23 s 37 are each amended to
21 read as follows:

22 (1) Brokers and managing brokers must submit complete copies of
23 their transactions to their firm. The designated broker shall keep
24 adequate records of all real estate transactions handled by or
25 through the firm or firms to which the designated broker is
26 registered. The records shall include, but are not limited to, a copy
27 of the purchase and sale agreement, earnest money receipt, and an
28 itemization of the receipts and disbursements with each transaction.
29 These records and all other records specified by the director by rule
30 are open to inspection by the director or the director's authorized
31 representatives.

32 (2) If any licensee exercises control over real estate
33 transaction funds, those funds are considered trust funds.

34 (3) Every real estate licensee shall deliver or cause to be
35 delivered to all parties signing the same, within a reasonable time
36 after signing, purchase and sale agreements, listing agreements, and
37 all other like or similar instruments signed by the parties.

1 (4) Every real estate firm that keeps separate real estate trust
2 fund accounts must keep the accounts in a recognized Washington state
3 depository. A real estate firm must maintain an adequate amount of
4 funds in the trust fund accounts to facilitate the opening of the
5 trust fund accounts or to prevent the closing of the trust fund
6 accounts.

7 (5) All licensees shall keep separate and apart and physically
8 segregated from the licensees' own funds, all funds or moneys
9 including advance fees of clients that are being held by the
10 licensees pending the closing of a real estate sale or transaction,
11 or that have been collected for the clients and are being held for
12 disbursement for or to the clients.

13 (6) A firm is not required to maintain a trust fund account for
14 transactions concerning a purchase and sale agreement that instructs
15 the broker to deliver the earnest money check directly to a named
16 closing agent or to the seller.

17 (7) Brokers must deposit all funds into their firm's trust bank
18 account the next banking day following receipt of the funds unless
19 the purchase and sale agreement provides for deferred deposit or
20 delivery. In that event, the broker must promptly deposit or deliver
21 funds in accordance with the terms of the purchase and sale
22 agreement.

23 (8) (a) If a real estate broker receives or maintains earnest
24 money or client funds for deposit, the real estate firm shall
25 maintain a pooled interest-bearing trust account for deposit of
26 client funds, with the exception of property management trust
27 accounts.

28 (b) The interest accruing on this account, net of any reasonable
29 and appropriate financial institution service charges or fees, shall
30 be paid to the state treasurer for deposit in the Washington housing
31 trust fund created in RCW 43.185.030 (as recodified by this act) and
32 the real estate education program account created in RCW 18.85.321.
33 Appropriate service charges or fees are those charges made by
34 financial institutions on other demand deposit or "now" accounts. The
35 firm or designated broker is not required to notify the client of the
36 intended use of the funds.

37 (c) The department shall adopt rules that will serve as
38 guidelines in the choice of an account specified in this subsection.

39 (9) If trust funds are claimed by more than one party, the
40 designated broker or designated broker's delegate must promptly

1 provide written notification to all contracting parties to a real
2 estate transaction of the intent of the designated broker or
3 designated broker's delegate to disburse client funds. The
4 notification must include the names and addresses of all parties to
5 the contract, the amount of money held and to whom it will be
6 disbursed, and the date of disbursement that must occur no later than
7 thirty consecutive days after the notification date.

8 (10) For an account created under subsection (8) of this section,
9 the designated or managing broker shall direct the depository
10 institution to:

11 (a) Remit interest or dividends, net of any reasonable and
12 appropriate service charges or fees, on the average monthly balance
13 in the account, or as otherwise computed in accordance with an
14 institution's standard accounting practice, at least quarterly, to
15 the state treasurer for deposit in the housing trust fund created by
16 RCW 43.185.030 (as recodified by this act) and the real estate
17 education program account created in RCW 18.85.321; and

18 (b) Transmit to the director of (~~community, trade, and economic~~
19 ~~development~~) commerce a statement showing the name of the person or
20 entity for whom the remittance is spent, the rate of interest
21 applied, and the amount of service charges deducted, if any, and the
22 account balance(s) of the period in which the report is made, with a
23 copy of the statement to be transmitted to the depositing person or
24 firm.

25 (11) The director of (~~community, trade, and economic~~
26 ~~development~~) commerce shall forward a copy of the reports required
27 by subsection (10) of this section to the department to aid in the
28 enforcement of the requirements of this section consistent with the
29 normal enforcement and auditing practices of the department.

30 (12)(a) This section does not relieve any real estate broker,
31 managing broker, or firm of any obligation with respect to the
32 safekeeping of clients' funds.

33 (b) Any violation by real estate brokers, managing brokers, or
34 firms of any of the provisions of this section, RCW 18.85.361, or
35 chapter 18.235 RCW is grounds for disciplinary action against the
36 licenses issued to the brokers, managing brokers, or firms.

37 **Sec. 15.** RCW 18.85.311 and 2008 c 23 s 38 are each amended to
38 read as follows:

1 Remittances received by the state treasurer pursuant to RCW
2 18.85.285 shall be divided between the housing trust fund created by
3 RCW 43.185.030 (as recodified by this act), which shall receive
4 seventy-five percent and the real estate education program account
5 created by RCW 18.85.321, which shall receive twenty-five percent.

6 **Sec. 16.** RCW 31.04.025 and 2015 c 229 s 20 are each amended to
7 read as follows:

8 (1) Each loan made to a resident of this state by a licensee, or
9 persons subject to this chapter, is subject to the authority and
10 restrictions of this chapter.

11 (2) This chapter does not apply to the following:

12 (a) Any person doing business under, and as permitted by, any law
13 of this state or of the United States relating to banks, savings
14 banks, trust companies, savings and loan or building and loan
15 associations, or credit unions;

16 (b) Entities making loans under chapter 19.60 RCW (pawnbroking);

17 (c) Entities conducting transactions under chapter 63.14 RCW
18 (retail installment sales of goods and services), unless credit is
19 extended to purchase merchandise certificates, coupons, open or
20 closed loop stored value, or other similar items issued and
21 redeemable by a retail seller other than the retail seller extending
22 the credit;

23 (d) Entities making loans under chapter 31.45 RCW (check cashers
24 and sellers);

25 (e) Any person making a loan primarily for business, commercial,
26 or agricultural purposes unless the loan is secured by a lien on the
27 borrower's primary dwelling;

28 (f) Any person selling property owned by that person who provides
29 financing for the sale when the property does not contain a dwelling
30 and when the property serves as security for the financing. This
31 exemption is available for five or fewer transactions in a calendar
32 year. This exemption is not available to individuals subject to the
33 federal S.A.F.E. act or any person in the business of constructing or
34 acting as a contractor for the construction of residential dwellings;

35 (g) Any person making loans made to government or government
36 agencies or instrumentalities or making loans to organizations as
37 defined in the federal truth in lending act;

38 (h) Entities making loans under chapter ~~((43.185))~~ 43.185A RCW
39 (housing trust fund);

1 (i) Entities making loans under programs of the United States
2 department of agriculture, department of housing and urban
3 development, or other federal government program that provides
4 funding or access to funding for single-family housing developments
5 or grants to low-income individuals for the purchase or repair of
6 single-family housing;

7 (j) Nonprofit housing organizations making loans, or loans made,
8 under housing programs that are funded in whole or in part by federal
9 or state programs if the primary purpose of the programs is to assist
10 low-income borrowers with purchasing or repairing housing or the
11 development of housing for low-income Washington state residents;

12 (k) Entities making loans which are not residential mortgage
13 loans under a credit card plan;

14 (l) Individuals employed by a licensed residential mortgage loan
15 servicing company engaging in activities related to servicing, unless
16 licensing is required by federal law or regulation; and

17 (m) Entities licensed under chapter 18.44 RCW that process
18 payments on seller-financed loans secured by liens on real or
19 personal property.

20 (3) The director may, at his or her discretion, waive
21 applicability of the consumer loan company licensing provisions of
22 this chapter to other persons, not including individuals subject to
23 the S.A.F.E. act, making or servicing loans when the director
24 determines it necessary to facilitate commerce and protect consumers.

25 (4) The burden of proving the application for an exemption or
26 exception from a definition, or a preemption of a provision of this
27 chapter, is upon the person claiming the exemption, exception, or
28 preemption.

29 (5) The director may adopt rules interpreting this section.

30 **Sec. 17.** RCW 39.35D.080 and 2005 c 12 s 12 are each amended to
31 read as follows:

32 Except as provided in this section, affordable housing projects
33 funded out of the state capital budget are exempt from the provisions
34 of this chapter. On or before July 1, 2008, the department of
35 (~~community, trade, and economic development~~) commerce shall
36 identify, implement, and apply a sustainable building program for
37 affordable housing projects that receive housing trust fund (under
38 chapter (~~43.185~~) 43.185A RCW) funding in a state capital budget.
39 The department of (~~community, trade, and economic development~~)

1 commerce shall not develop its own sustainable building standard, but
2 shall work with stakeholders to adopt an existing sustainable
3 building standard or criteria appropriate for affordable housing. Any
4 application of the program to affordable housing, including any
5 monitoring to track the performance of either sustainable features or
6 energy standards or both, is the responsibility of the department of
7 (~~community, trade, and economic development~~) commerce. Beginning in
8 2009 and ending in 2016, the department of (~~community, trade, and
9 economic development~~) commerce shall report to the department as
10 required under RCW 39.35D.030(3)(b).

11 **Sec. 18.** RCW 43.63A.680 and 1993 c 478 s 19 are each amended to
12 read as follows:

13 (1) The department may develop and administer a home-matching
14 program for the purpose of providing grants and technical assistance
15 to eligible organizations to operate local home-matching programs.
16 For purposes of this section, "eligible organizations" are those
17 organizations eligible to receive assistance through the Washington
18 housing trust fund, chapter (~~43.185~~) 43.185A RCW.

19 (2) The department may select up to five eligible organizations
20 for the purpose of implementing a local home-matching program. The
21 local home-matching programs are designed to facilitate: (a)
22 Intergenerational homesharing involving older homeowners sharing
23 homes with younger persons; (b) homesharing arrangements that involve
24 an exchange of services such as cooking, housework, gardening, or
25 babysitting for room and board or some financial consideration such
26 as rent; and (c) the more efficient use of available housing.

27 (3) In selecting local pilot programs under this section, the
28 department shall consider:

29 (a) The eligible organization's ability, stability, and resources
30 to implement the local home-matching program;

31 (b) The eligible organization's efforts to coordinate other
32 support services needed by the individual or family participating in
33 the local home-matching program; and

34 (c) Other factors the department deems appropriate.

35 (4) The eligible organizations shall establish criteria for
36 participation in the local home-matching program. The eligible
37 organization shall make a determination of eligibility regarding the
38 individuals' or families' participation in the local home-matching
39 program. The determination shall include, but is not limited to a

1 verification of the individual's or family's history of making rent
2 payments in a consistent and timely manner.

3 **Sec. 19.** RCW 43.185C.200 and 2007 c 483 s 604 are each amended
4 to read as follows:

5 (1) The department of (~~community, trade, and economic~~
6 ~~development~~) commerce shall establish a pilot program to provide
7 grants to eligible organizations, as described in RCW (~~43.185.060~~)
8 43.185A.040, to provide transitional housing assistance to offenders
9 who are reentering the community and are in need of housing.

10 (2) There shall be a minimum of two pilot programs established in
11 two counties. The pilot programs shall be selected through a request
12 for proposal process and in consultation with the department of
13 corrections. The department shall select the pilot sites by January
14 1, 2008.

15 (3) The pilot program shall:

16 (a) Be operated in collaboration with the community justice
17 center existing in the location of the pilot site;

18 (b) Offer transitional supportive housing that includes
19 individual support and mentoring available on an ongoing basis, life
20 skills training, and close working relationships with community
21 justice centers and community corrections officers. Supportive
22 housing services can be provided directly by the housing operator, or
23 in partnership with community-based organizations;

24 (c) In providing assistance, give priority to offenders who are
25 designated as high risk or high needs as well as those determined not
26 to have a viable release plan by the department of corrections;

27 (d) Optimize available funding by utilizing cost-effective
28 community-based shared housing arrangements or other noninstitutional
29 living arrangements; and

30 (e) Provide housing assistance for a period of time not to exceed
31 twelve months for a participating offender.

32 (4) The department may also use up to twenty percent of the
33 funding appropriated in the operating budget for this section to
34 support the development of additional supportive housing resources
35 for offenders who are reentering the community.

36 (5) The department shall:

37 (a) Collaborate with the department of corrections in developing
38 criteria to determine who will qualify for housing assistance; and

1 (b) Gather data, and report to the legislature by November 1,
2 2008, on the number of offenders seeking housing, the number of
3 offenders eligible for housing, the number of offenders who receive
4 the housing, and the number of offenders who commit new crimes while
5 residing in the housing to the extent information is available.

6 (6) The department of corrections shall collaborate with
7 organizations receiving grant funds to:

8 (a) Help identify appropriate housing solutions in the community
9 for offenders;

10 (b) Where possible, facilitate an offender's application for
11 housing prior to discharge;

12 (c) Identify enhancements to training provided to offenders prior
13 to discharge that may assist an offender in effectively transitioning
14 to the community;

15 (d) Maintain communication between the organization receiving
16 grant funds, the housing provider, and corrections staff supervising
17 the offender; and

18 (e) Assist the offender in accessing resources and services
19 available through the department of corrections and a community
20 justice center.

21 (7) The state, department of (~~community, trade, and economic~~
22 ~~development~~) commerce, department of corrections, local governments,
23 local housing authorities, eligible organizations as described in RCW
24 (~~43.185.060~~) 43.185A.040, and their employees are not liable for
25 civil damages arising from the criminal conduct of an offender solely
26 due to the placement of an offender in housing provided under this
27 section or the provision of housing assistance.

28 (8) Nothing in this section allows placement of an offender into
29 housing without an analysis of the risk the offender may pose to that
30 particular community or other residents.

31 **Sec. 20.** RCW 43.185C.210 and 2011 c 353 s 6 are each amended to
32 read as follows:

33 (1) The transitional housing operating and rent program is
34 created in the department to assist individuals and families who are
35 homeless or who are at risk of becoming homeless to secure and retain
36 safe, decent, and affordable housing. The department shall provide
37 grants to eligible organizations, as described in RCW (~~43.185.060~~)
38 43.185A.040, to provide assistance to program participants. The
39 eligible organizations must use grant moneys for:

1 (a) Rental assistance, which includes security or utility
2 deposits, first and last month's rent assistance, and eligible moving
3 expenses to be determined by the department;

4 (b) Case management services designed to assist program
5 participants to secure and retain immediate housing and to transition
6 into permanent housing and greater levels of self-sufficiency;

7 (c) Operating expenses of transitional housing facilities that
8 serve homeless families with children; and

9 (d) Administrative costs of the eligible organization, which must
10 not exceed limits prescribed by the department.

11 (2) Eligible to receive assistance through the transitional
12 housing operating and rent program are:

13 (a) Families with children who are homeless or who are at risk of
14 becoming homeless and who have household incomes at or below fifty
15 percent of the median household income for their county;

16 (b) Families with children who are homeless or who are at risk of
17 becoming homeless and who are receiving services under chapter 13.34
18 RCW;

19 (c) Individuals or families without children who are homeless or
20 at risk of becoming homeless and who have household incomes at or
21 below thirty percent of the median household income for their county;

22 (d) Individuals or families who are homeless or who are at risk
23 of becoming homeless and who have a household with an adult member
24 who has a mental health or chemical dependency disorder; and

25 (e) Individuals or families who are homeless or who are at risk
26 of becoming homeless and who have a household with an adult member
27 who is an offender released from confinement within the past eighteen
28 months.

29 (3) All program participants must be willing to create and
30 actively participate in a housing stability plan for achieving
31 permanent housing and greater levels of self-sufficiency.

32 (4) Data on all program participants must be entered into and
33 tracked through the Washington homeless client management information
34 system as described in RCW 43.185C.180. For eligible organizations
35 serving victims of domestic violence or sexual assault, compliance
36 with this subsection must be accomplished in accordance with 42
37 U.S.C. Sec. 11383(a) (8).

38 (5) (a) Except as provided in (b) of this subsection, beginning in
39 2011, each eligible organization receiving over five hundred thousand
40 dollars during the previous calendar year from the transitional

1 housing operating and rent program and from sources including: (i)
2 State housing-related funding sources; (ii) the affordable housing
3 for all surcharge in RCW 36.22.178; (iii) the home security fund
4 surcharges in RCW 36.22.179 and 36.22.1791; and (iv) any other
5 surcharge imposed under chapter 36.22 RCW or (~~43.185C-RCW~~) this
6 chapter to fund homelessness programs or other housing programs,
7 shall apply to the Washington state quality award program for an
8 independent assessment of its quality management, accountability, and
9 performance system, once every three years.

10 (b) Cities and counties are exempt from the provisions of (a) of
11 this subsection until 2018.

12 (6) The department may develop rules, requirements, procedures,
13 and guidelines as necessary to implement and operate the transitional
14 housing operating and rent program.

15 (7) The department shall produce an annual transitional housing
16 operating and rent program report that must be included in the
17 department's homeless housing strategic plan as described in RCW
18 43.185C.040. The report must include performance measures to be
19 determined by the department that address, at a minimum, the
20 following issue areas:

21 (a) The success of the program in helping program participants
22 transition into permanent affordable housing and achieve self-
23 sufficiency or increase their levels of self-sufficiency, which shall
24 be defined by the department based upon the costs of living,
25 including housing costs, needed to support: (i) One adult individual;
26 and (ii) two adult individuals and one preschool-aged child and one
27 school-aged child;

28 (b) The financial performance of the program related to efficient
29 program administration by the department and program operation by
30 selected eligible organizations, including an analysis of the costs
31 per program participant served;

32 (c) The quality, completeness, and timeliness of the information
33 on program participants provided to the Washington homeless client
34 management information system database; and

35 (d) The satisfaction of program participants in the assistance
36 provided through the program.

37 **Sec. 21.** RCW 47.12.063 and 2015 3rd sp.s. c 13 s 2 are each
38 amended to read as follows:

1 (1) It is the intent of the legislature to continue the
2 department's policy giving priority consideration to abutting
3 property owners in agricultural areas when disposing of property
4 through its surplus property program under this section.

5 (2) Whenever the department determines that any real property
6 owned by the state of Washington and under the jurisdiction of the
7 department is no longer required for transportation purposes and that
8 it is in the public interest to do so, the department may sell the
9 property or exchange it in full or part consideration for land or
10 building improvements or for construction of highway improvements at
11 fair market value to any person through the solicitation of written
12 bids through public advertising in the manner prescribed under RCW
13 47.28.050 or in the manner prescribed under RCW 47.12.283.

14 (3) The department may forego the processes prescribed by RCW
15 47.28.050 and 47.12.283 and sell the real property to any of the
16 following entities or persons at fair market value:

17 (a) Any other state agency;

18 (b) The city or county in which the property is situated;

19 (c) Any other municipal corporation;

20 (d) Regional transit authorities created under chapter 81.112
21 RCW;

22 (e) The former owner of the property from whom the state acquired
23 title;

24 (f) In the case of residentially improved property, a tenant of
25 the department who has resided thereon for not less than six months
26 and who is not delinquent in paying rent to the state;

27 (g) Any abutting private owner but only after each other abutting
28 private owner (if any), as shown in the records of the county
29 assessor, is notified in writing of the proposed sale. If more than
30 one abutting private owner requests in writing the right to purchase
31 the property within fifteen days after receiving notice of the
32 proposed sale, the property shall be sold at public auction in the
33 manner provided in RCW 47.12.283;

34 (h) To any other owner of real property required for
35 transportation purposes;

36 (i) In the case of property suitable for residential use, any
37 nonprofit organization dedicated to providing affordable housing to
38 very low-income, low-income, and moderate-income households as
39 defined in RCW 43.63A.510 and is eligible to receive assistance

1 through the Washington housing trust fund created in chapter
2 ((43.185)) 43.185A RCW; or

3 (j) A federally recognized Indian tribe within whose reservation
4 boundary the property is located.

5 (4) When selling real property pursuant to RCW 47.12.283, the
6 department may withhold or withdraw the property from an auction when
7 requested by one of the entities or persons listed in subsection (3)
8 of this section and only after the receipt of a nonrefundable deposit
9 equal to ten percent of the fair market value of the real property or
10 five thousand dollars, whichever is less. This subsection does not
11 prohibit the department from exercising its discretion to withhold or
12 withdraw the real property from an auction if the department
13 determines that the property is no longer surplus or chooses to sell
14 the property through one of the other means listed in subsection (2)
15 of this section. If a transaction under this subsection is not
16 completed within sixty days, the real property must be put back up
17 for sale.

18 (5) Sales to purchasers may, at the department's option, be for
19 cash, by real estate contract, or exchange of land or highway
20 improvements. Transactions involving the construction of improvements
21 must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as
22 applicable, and must comply with all other applicable laws and rules.

23 (6) Conveyances made pursuant to this section shall be by deed
24 executed by the secretary of transportation and shall be duly
25 acknowledged.

26 (7) Unless otherwise provided, all moneys received pursuant to
27 the provisions of this section less any real estate broker
28 commissions paid pursuant to RCW 47.12.320 shall be deposited in the
29 motor vehicle fund.

30 (8) The department may not enter into equal value exchanges or
31 property acquisitions for building improvements without first
32 consulting with the office of financial management and the joint
33 transportation committee.

34 **Sec. 22.** RCW 59.24.060 and 1995 c 399 s 159 are each amended to
35 read as follows:

36 The department of ((~~community, trade, and economic development~~))
37 commerce may receive such gifts, grants, or endowments from public or
38 private sources, as may be made from time to time, in trust or
39 otherwise, to be used by the department of ((~~community, trade, and~~

1 ~~economic development~~) commerce for its programs, including the
2 rental security deposit guarantee program. Funds from the housing
3 trust fund, chapter ((43.185)) 43.185A RCW, up to one hundred
4 thousand dollars, may be used for the rental security deposit
5 guarantee program by the department of ((community, trade, and
6 ~~economic development~~) commerce, local governments, and nonprofit
7 organizations, provided all the requirements of this chapter and
8 chapter ((43.185)) 43.185A RCW are met.

9 **Sec. 23.** RCW 82.14.400 and 2000 c 240 s 1 are each amended to
10 read as follows:

11 (1) Upon the joint request of a metropolitan park district, a
12 city with a population of more than one hundred fifty thousand, and a
13 county legislative authority in a county with a national park and a
14 population of more than five hundred thousand and less than one
15 million five hundred thousand, the county shall submit an authorizing
16 proposition to the county voters, fixing and imposing a sales and use
17 tax in accordance with this chapter for the purposes designated in
18 subsection (4) of this section and identified in the joint request.
19 Such proposition must be placed on a ballot for a special or general
20 election to be held no later than one year after the date of the
21 joint request.

22 (2) The proposition is approved if it receives the votes of a
23 majority of those voting on the proposition.

24 (3) The tax authorized in this section is in addition to any
25 other taxes authorized by law and shall be collected from those
26 persons who are taxable by the state under chapters 82.08 and 82.12
27 RCW upon the occurrence of any taxable event within the county. The
28 rate of tax shall equal no more than one-tenth of one percent of the
29 selling price in the case of a sales tax, or value of the article
30 used, in the case of a use tax.

31 (4) Moneys received from any tax imposed under this section shall
32 be used solely for the purpose of providing funds for:

33 (a) Costs associated with financing, design, acquisition,
34 construction, equipping, operating, maintaining, remodeling,
35 repairing, reequipping, or improvement of zoo, aquarium, and wildlife
36 preservation and display facilities that are currently accredited by
37 the American zoo and aquarium association; or

1 (b) Those costs associated with (a) of this subsection and costs
2 related to parks located within a county described in subsection (1)
3 of this section.

4 (5) The department of revenue shall perform the collection of
5 such taxes on behalf of the county at no cost to the county. In lieu
6 of the charge for the administration and collection of local sales
7 and use taxes under RCW 82.14.050 from which the county is exempt
8 under this subsection (5), a percentage of the tax revenues
9 authorized by this section equal to one-half of the maximum
10 percentage provided in RCW 82.14.050 shall be transferred annually to
11 the department of (~~community, trade, and economic development~~)
12 commerce, or its successor agency, from the funds allocated under
13 subsection (6)(b) of this section for a period of twelve years from
14 the first date of distribution of funds under subsection (6)(b) of
15 this section. The department of (~~community, trade, and economic
16 development~~) commerce, or its successor agency, shall use funds
17 transferred to it pursuant to this subsection (5) to provide,
18 operate, and maintain community-based housing under chapter
19 (~~43.185~~) 43.185A RCW for (~~persons who are mentally ill~~)
20 individuals with mental illness.

21 (6) If the joint request and the authorizing proposition include
22 provisions for funding those costs included within subsection (4)(b)
23 of this section, the tax revenues authorized by this section shall be
24 allocated annually as follows:

25 (a) Fifty percent to the zoo and aquarium advisory authority; and

26 (b) Fifty percent to be distributed on a per capita basis as set
27 out in the most recent population figures for unincorporated and
28 incorporated areas only within that county, as determined by the
29 office of financial management, solely for parks, as follows: To any
30 metropolitan park district, to cities and towns not contained within
31 a metropolitan park district, and the remainder to the county. Moneys
32 received under this subsection (6)(b) by a county may not be used to
33 replace or supplant existing per capita funding.

34 (7) Funds shall be distributed annually by the county treasurer
35 to the county, and cities and towns located within the county, in the
36 manner set out in subsection (6)(b) of this section.

37 (8) Prior to expenditure of any funds received by the county
38 under subsection (6)(b) of this section, the county shall establish a
39 process which considers needs throughout the unincorporated areas of

1 the county in consultation with community advisory councils
2 established by ordinance.

3 (9) By December 31, 2005, and thereafter, the county or any city
4 with a population greater than eighty thousand must provide at least
5 one dollar match for every two dollars received under this section.

6 (10) Properties subject to a memorandum of agreement between the
7 federal bureau of land management, the advisory council on historic
8 preservation, and the Washington state historic preservation officer
9 have priority for funding from money received under subsection (6)(b)
10 of this section for implementation of the stipulations in the
11 memorandum of agreement.

12 (a) At least one hundred thousand dollars of the first four years
13 of allocations under subsection (6)(b) of this section, to be matched
14 by the county or city with one dollar for every two dollars received,
15 shall be used to implement the stipulations of the memorandum of
16 agreement and for other historical, archaeological, architectural,
17 and cultural preservation and improvements related to the properties.

18 (b) The amount in (a) of this subsection shall come equally from
19 the allocations to the county and to the city in which the properties
20 are located, unless otherwise agreed to by the county and the city.

21 (c) The amount in (a) of this subsection shall not be construed
22 to displace or be offered in lieu of any lease payment from a county
23 or city to the state for the properties in question.

24 **Sec. 24.** RCW 82.45.100 and 2010 1st sp.s. c 23 s 211 are each
25 amended to read as follows:

26 (1) Payment of the tax imposed under this chapter is due and
27 payable immediately at the time of sale, and if not paid within one
28 month thereafter will bear interest from the time of sale until the
29 date of payment.

30 (a) Interest imposed before January 1, 1999, is computed at the
31 rate of one percent per month.

32 (b) Interest imposed after December 31, 1998, is computed on a
33 monthly basis at the rate as computed under RCW 82.32.050(2). The
34 rate so computed must be adjusted on the first day of January of each
35 year for use in computing interest for that calendar year. The
36 department must provide written notification to the county treasurers
37 of the variable rate on or before December 1st of the year preceding
38 the calendar year in which the rate applies.

1 (2) In addition to the interest described in subsection (1) of
2 this section, if the payment of any tax is not received by the county
3 treasurer or the department of revenue, as the case may be, within
4 one month of the date due, there is assessed a penalty of five
5 percent of the amount of the tax; if the tax is not received within
6 two months of the date due, there will be assessed a total penalty of
7 ten percent of the amount of the tax; and if the tax is not received
8 within three months of the date due, there will be assessed a total
9 penalty of twenty percent of the amount of the tax. The payment of
10 the penalty described in this subsection is collectible from the
11 seller only, and RCW 82.45.070 does not apply to the penalties
12 described in this subsection.

13 (3) If the tax imposed under this chapter is not received by the
14 due date, the transferee is personally liable for the tax, along with
15 any interest as provided in subsection (1) of this section, unless an
16 instrument evidencing the sale is recorded in the official real
17 property records of the county in which the property conveyed is
18 located.

19 (4) If upon examination of any affidavits or from other
20 information obtained by the department or its agents it appears that
21 all or a portion of the tax is unpaid, the department must assess
22 against the taxpayer the additional amount found to be due plus
23 interest and penalties as provided in subsections (1) and (2) of this
24 section. The department must notify the taxpayer by mail, or
25 electronically as provided in RCW 82.32.135, of the additional amount
26 and the same becomes due and must be paid within thirty days from the
27 date of the notice, or within such further time as the department may
28 provide.

29 (5) No assessment or refund may be made by the department more
30 than four years after the date of sale except upon a showing of:

31 (a) Fraud or misrepresentation of a material fact by the
32 taxpayer;

33 (b) A failure by the taxpayer to record documentation of a sale
34 or otherwise report the sale to the county treasurer; or

35 (c) A failure of the transferor or transferee to report the sale
36 under RCW 82.45.090(2).

37 (6) Penalties collected on taxes due under this chapter under
38 subsection (2) of this section and RCW 82.32.090 (2) through (8) must
39 be deposited in the housing trust fund as described in chapter
40 ((~~43.185~~) 43.185A RCW.

1 NEW SECTION. **Sec. 25.** RCW 43.185.010, 43.185.030, 43.185.050,
2 43.185.070, 43.185.074, 43.185.080, and 43.185.140 are recodified as
3 sections in chapter 43.185A RCW.

4 NEW SECTION. **Sec. 26.** RCW 43.185.110 is recodified as a section
5 in chapter 43.185B RCW.

6 NEW SECTION. **Sec. 27.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 43.185.015 (Housing assistance program) and 1995 c 399 s
9 100 & 1991 c 356 s 2;

10 (2) RCW 43.185.020 (Definitions) and 2013 c 145 s 1, 2009 c 565 s
11 37, 1995 c 399 s 101, & 1986 c 298 s 3;

12 (3) RCW 43.185A.030 (Activities eligible for assistance) and 2013
13 c 145 s 5 & 2011 1st sp.s. c 50 s 954;

14 (4) RCW 43.185A.050 (Grant and loan application process—Report)
15 and 2013 c 145 s 6, 2012 c 235 s 2, & 1991 c 356 s 14;

16 (5) RCW 43.185.060 (Eligible organizations) and 2019 c 325 s
17 5012, 2014 c 225 s 61, 1994 c 160 s 2, 1991 c 295 s 1, & 1986 c 298 s
18 7;

19 (6) RCW 43.185.076 (Low-income housing grants and loans—Approval
20 —License education programs) and 1988 c 286 s 3 & 1987 c 513 s 10;

21 (7) RCW 43.185.090 (Compliance monitoring) and 1986 c 298 s 10;

22 (8) RCW 43.185.100 (Rule-making authority) and 1987 c 513 s 2 &
23 1986 c 298 s 11;

24 (9) RCW 43.185A.090 (Application process—Distribution procedure)
25 and 2006 c 349 s 4;

26 (10) RCW 43.185A.100 (Housing programs and services—Review of
27 reporting requirements—Report to the legislature) and 2006 c 349 s
28 11;

29 (11) RCW 43.185A.110 (Affordable housing land acquisition
30 revolving loan fund program) and 2017 c 274 s 1, 2008 c 112 s 1, &
31 2007 c 428 s 2;

32 (12) RCW 43.185A.120 (Affordable housing and community facilities
33 rapid response loan program) and 2008 c 112 s 2;

34 (13) RCW 43.185.120 (Protection of state's interest) and 1991 c
35 356 s 7;

36 (14) RCW 43.185.130 (Application process—Distribution procedure)
37 and 2006 c 349 s 3;

1 (15) RCW 43.185A.900 (Short title) and 1991 c 356 s 9; and
2 (16) RCW 43.185.910 (Conflict with federal requirements—1991 c
3 356) and 1991 c 356 s 8.

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