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HOUSE BILL 1824

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State of Washington

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By Representatives Wolfe, Wineberry, Forner, Peery, Reams, Valle, Pruitt, Flemming, Leonard, Talcott, Anderson, J. Kohl, Thibaudeau, Jones, King, Quall, H. Myers, Cooke and Finkbeiner

Read first time 02/10/93. Referred to Committee on Trade, Economic Development & Housing.

1 AN ACT Relating to publicly owned lands and buildings; amending RCW  
2 43.63A.510, 36.34.135, and 47.12.063; adding a new section to chapter  
3 28A.335 RCW; adding a new section to chapter 35.21 RCW; adding a new  
4 section to chapter 36.34 RCW; adding a new section to chapter 43.19  
5 RCW; adding a new section to chapter 43.20A RCW; adding a new section  
6 to chapter 43.30 RCW; adding a new section to chapter 47.12 RCW; adding  
7 a new section to chapter 72.09 RCW; and creating a new section.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

10 (a) The lack of affordable housing for very low-income, low-income,  
11 or moderate-income households and special needs populations is  
12 intensified by the rising cost of land and construction; and

13 (b) There are publicly owned land and buildings which may be  
14 suitable to be marketed, sold, leased, or exchanged for the development  
15 of affordable housing.

16 (2) The legislature declares that the purpose of this act is to:

17 (a) Provide for an analysis of the inventory of state-owned lands  
18 and buildings prepared by the departments of natural resources,  
19 transportation, corrections, and general administration;

1 (b) Identify other publicly owned land and buildings that may be  
2 suitable for the development of affordable housing for very-low income,  
3 low-income, or moderate-income households and special needs  
4 populations;

5 (c) Provide a central location of inventories of state and publicly  
6 owned land and buildings that may be suitable to be marketed, sold,  
7 leased, or exchanged for the development of affordable housing; and

8 (d) Encourage an effective use of publicly owned surplus and  
9 underutilized land and buildings suitable for the development of  
10 affordable housing for very low-income, low-income, or moderate-income  
11 households and special needs populations.

12 **Sec. 2.** RCW 43.63A.510 and 1990 c 253 s 6 are each amended to read  
13 as follows:

14 (1) The department shall work with the departments of natural  
15 resources, transportation, social and health services, corrections, and  
16 general administration to identify and catalog under-utilized, state-  
17 owned land and property ~~((for possible lease))~~ suitable for the  
18 development of affordable housing for very low-income, low-income or  
19 moderate-income households. The departments of natural resources,  
20 transportation, social and health services, corrections, and general  
21 administration shall provide an inventory of real property that is  
22 owned or administered by each agency and is available for lease or  
23 sale. The inventories shall be provided to the department by November  
24 1, ~~((1990))~~ 1993, with inventory revisions provided each November 1  
25 thereafter. ~~((The department shall assist local governments, public~~  
26 ~~housing authorities, public nonprofit organizations, and private~~  
27 ~~nonprofit organizations in obtaining long term leases of suitable and~~  
28 ~~available sites. The leases shall be for the purpose of providing~~  
29 ~~sites to be used for affordable housing for farmworkers.))~~

30 (2) Upon written request, the department shall provide a copy of  
31 the inventory of state-owned and publicly owned lands and buildings to  
32 parties interested in developing the sites for affordable housing.

33 (3) As used in this section:

34 (a) "Affordable housing" means residential housing that is rented  
35 or owned by a person who qualifies as a very low-income, low-income, or  
36 moderate-income household or who is from a special needs population,  
37 and whose monthly housing costs, including utilities other than

1 telephone, do not exceed thirty percent of the household's monthly  
2 income.

3 (b) "Very low-income household" means a single person, family, or  
4 unrelated persons living together whose income is at or below fifty  
5 percent of the median income, adjusted for household size, for the  
6 county where the affordable housing is located.

7 (c) "Low-income household" means a single person, family, or  
8 unrelated persons living together whose income is more than fifty  
9 percent but is at or below eighty percent of the median income where  
10 the affordable housing is located.

11 (d) "Moderate-income household" means a single person, family, or  
12 unrelated persons living together whose income is more than eighty  
13 percent but is at or below one hundred fifteen percent of the median  
14 income where the affordable housing is located.

15 NEW SECTION. Sec. 3. A new section is added to chapter 28A.335  
16 RCW to read as follows:

17 (1) Every school district shall identify and catalog real property  
18 of the district that is no longer required for school purposes and is  
19 suitable for the development of affordable housing for very low-income,  
20 low-income, and moderate-income households as defined in RCW  
21 43.63A.510. The inventory shall include the location, approximate  
22 size, and current zoning classification of the property. Every school  
23 district shall provide a copy of the inventory to the department of  
24 community development by November 1, 1993, with inventory revisions  
25 each November 1 thereafter.

26 (2) By November 1 of each year, beginning in 1994, every school  
27 district shall purge the inventory of real property of sites that are  
28 no longer available for the development of affordable housing. The  
29 inventory revision shall include an updated listing of real property  
30 that has become available since the last update. As used in this  
31 section, "real property" means buildings, land, or buildings and land.

32 NEW SECTION. Sec. 4. A new section is added to chapter 35.21 RCW  
33 to read as follows:

34 (1) Every city and town, including every code city operating under  
35 Title 35A RCW, shall identify and catalog real property owned by the  
36 city or town that is no longer required for its purposes and is  
37 suitable for the development of affordable housing for very low-income,

1 low-income, and moderate-income households as defined in RCW  
2 43.63A.510. The inventory shall include the location, approximate  
3 size, and current zoning classification of the property. Every city  
4 and town shall provide a copy of the inventory to the department of  
5 community development by November 1, 1993, with inventory revisions  
6 each November 1 thereafter.

7 (2) By November 1 of each year, beginning in 1994, every city and  
8 town, including every code city operating under Title 35A RCW, shall  
9 purge the inventory of real property of sites that are no longer  
10 available for the development of affordable housing. The inventory  
11 revision shall also contain a list of real property that has become  
12 available since the last update. As used in this section, "real  
13 property" means buildings, land, or buildings and land.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.34 RCW  
15 to read as follows:

16 (1) Every county shall identify and catalog real property owned by  
17 the county that is no longer required for its purposes and is suitable  
18 for the development of affordable housing for very low-income, low-  
19 income, and moderate-income households as defined in RCW 43.63A.510.  
20 The inventory shall include the location, approximate size, and current  
21 zoning classification of the property. Every county shall provide a  
22 copy of the inventory to the department of community development by  
23 November 1, 1993, with inventory revisions each November 1 thereafter.

24 (2) By November 1 of each year, beginning in 1994, every county  
25 shall purge the inventory of real property of sites that are no longer  
26 available for the development of affordable housing. The inventory  
27 revision shall include an updated listing of real property that has  
28 become available since the last update. As used in this section, "real  
29 property" means buildings, land, or buildings and land.

30 **Sec. 6.** RCW 36.34.135 and 1990 c 253 s 7 are each amended to read  
31 as follows:

32 If a county owns property that is located anywhere within the  
33 county, including within the limits of a city or town, and that is  
34 suitable for (~~seasonal or migrant farmworker~~) affordable housing, the  
35 legislative authority of the county may, by negotiation, lease the  
36 property for (~~seasonal or migrant farmworker~~) affordable housing for  
37 a term not to exceed seventy-five years to any public housing authority

1 or nonprofit organization that has demonstrated its ability to  
2 construct or operate housing for (~~seasonal or migrant farmworkers~~)  
3 very low-income, low-income, or moderate-income households as defined  
4 in RCW 43.63A.510 and special needs populations. Leases for housing  
5 for (~~migrant and seasonal farmworkers~~) very low-income, low-income,  
6 or moderate-income households and special needs populations shall not  
7 be subject to any requirement of periodic rental adjustments, as  
8 provided in RCW 36.34.180, but shall provide for such fixed annual  
9 rents as appear reasonable considering the public, social, and health  
10 benefits to be derived by providing an adequate supply of safe and  
11 sanitary housing for (~~migrant and seasonal farmworkers~~) very low-  
12 income, low-income, or moderate-income households and special needs  
13 populations.

14 NEW SECTION. Sec. 7. A new section is added to chapter 43.19 RCW  
15 to read as follows:

16 (1) The department of general administration shall identify and  
17 catalog real property that is no longer required for department  
18 purposes and is suitable for the development of affordable housing for  
19 very low-income, low-income, and moderate-income households as defined  
20 in RCW 43.63A.510. The inventory shall include the location,  
21 approximate size, and current zoning classification of the property.  
22 The department of general administration shall provide a copy of the  
23 inventory to the department of community development by November 1,  
24 1993, and every November 1 thereafter.

25 (2) By November 1 of each year, beginning in 1994, the department  
26 of general administration shall purge the inventory of real property of  
27 sites that are no longer available for the development of affordable  
28 housing. The department shall include an updated listing of real  
29 property that has become available since the last update. As used in  
30 this section, "real property" means buildings, land, or buildings and  
31 land.

32 NEW SECTION. Sec. 8. A new section is added to chapter 43.20A RCW  
33 to read as follows:

34 (1) The department shall identify and catalog real property that is  
35 no longer required for department purposes and is suitable for the  
36 development of affordable housing for very low-income, and moderate-  
37 income households as defined in RCW 43.63A.510. The inventory shall

1 include the location, approximate size, and current zoning  
2 classification of the property. The department shall provide a copy of  
3 the inventory to the department of community development by November 1,  
4 1993, and every November 1 thereafter.

5 (2) By November 1 of each year, beginning in 1994, the department  
6 shall purge the inventory of real property of sites that are no longer  
7 available for the development of affordable housing. The department  
8 shall include an updated listing of real property that has become  
9 available since the last update. As used in this section, "real  
10 property" means buildings, land, or buildings and land.

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.30 RCW  
12 to read as follows:

13 (1) The department shall identify and catalog real property that is  
14 no longer required for department purposes and is suitable for the  
15 development of affordable housing for very low-income, low-income, and  
16 moderate-income households as defined in RCW 43.63A.510. The inventory  
17 shall include the location, approximate size, and current zoning  
18 classification of the property. The department shall provide a copy of  
19 the inventory to the department of community development by November 1,  
20 1993, and every November 1 thereafter.

21 (2) By November 1 of each year, beginning in 1994, the department  
22 shall purge the inventory of real property of sites that are no longer  
23 available for the development of affordable housing. The department  
24 shall include an updated listing of real property that has become  
25 available since the last update. As used in this section, "real  
26 property" means buildings, land, or buildings and land.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.12 RCW  
28 to read as follows:

29 (1) The department shall identify and catalog real property that is  
30 no longer required for department purposes and is suitable for the  
31 development of affordable housing for very low-income, low-income, and  
32 moderate-income households as defined in RCW 43.63A.510. The inventory  
33 shall include the location, approximate size, and current zoning  
34 classification of the property. The department shall provide a copy of  
35 the inventory to the department of community development by November 1,  
36 1993, and every November 1 thereafter.

1 (2) By November 1 of each year, beginning in 1994, the department  
2 shall purge the inventory of real property of sites that are no longer  
3 available for the development of affordable housing. The department  
4 shall include an updated listing of real property that has become  
5 available since the last update. As used in this section, "real  
6 property" means buildings, land, or buildings and land.

7 **Sec. 11.** RCW 47.12.063 and 1988 c 135 s 1 are each amended to read  
8 as follows:

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

13 (2) Whenever the department determines that any real property owned  
14 by the state of Washington and under the jurisdiction of the department  
15 is no longer required for transportation purposes and that it is in the  
16 public interest to do so, the department may sell the property or  
17 exchange it in full or part consideration for land or improvements or  
18 for construction of improvements at fair market value to any of the  
19 following governmental entities or persons:

20 (a) Any other state agency;

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

22 (c) Any other municipal corporation;

23 (d) The former owner of the property from whom the state acquired  
24 title;

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

28 (f) Any abutting private owner but only after each other abutting  
29 private owner (if any), as shown in the records of the county assessor,  
30 is notified in writing of the proposed sale. If more than one abutting  
31 private owner requests in writing the right to purchase the property  
32 within fifteen days after receiving notice of the proposed sale, the  
33 property shall be sold at public auction in the manner provided in RCW  
34 47.12.283;

35 (g) To any person through the solicitation of written bids through  
36 public advertising in the manner prescribed by RCW 47.28.050; ((or))

37 (h) To any other owner of real property required for transportation  
38 purposes; or

1        (i) In the case of property suitable for residential use, any  
2 nonprofit organization dedicated to providing affordable housing to  
3 very low-income, low-income, and moderate-income households as defined  
4 in RCW 43.63A.510 and is eligible to receive assistance through the  
5 Washington housing trust fund created in chapter 43.185 RCW.

6        (3) Sales to purchasers may at the department's option be for cash,  
7 by real estate contract, or exchange of land or improvements.  
8 Transactions involving the construction of improvements must be  
9 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,  
10 and must comply with all other applicable laws and rules.

11        (4) Conveyances made pursuant to this section shall be by deed  
12 executed by the secretary of transportation and shall be duly  
13 acknowledged.

14        (5) All moneys received pursuant to the provisions of this section  
15 less any real estate broker commissions paid pursuant to RCW 47.12.320  
16 shall be deposited in the motor vehicle fund.

17        NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW  
18 to read as follows:

19        (1) The department shall identify and catalog real property that is  
20 no longer required for department purposes and is suitable for the  
21 development of affordable housing for very low-income, low-income, and  
22 moderate-income households as defined RCW 43.63A.510. The inventory  
23 shall include the location, approximate size, and current zoning  
24 classification of the property. The department shall provide a copy of  
25 the inventory to the department of community development by November 1,  
26 1993, and every November 1 thereafter.

27        (2) By November 1 of each year, beginning in 1994, the department  
28 shall purge the inventory of real property of sites that are no longer  
29 available for the development of affordable housing. The department  
30 shall include an updated listing of real property that has become  
31 available since the least update. As used in this section, "real  
32 property" means buildings, land, or buildings and land.

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