
Housing Committee

HB 2172

Brief Description: Providing for the use of vacant state agency property by a local government during an emergency.

Sponsors: Representatives Harris, Wylie, Reed and Ormsby.

Brief Summary of Bill

- Requires state agencies that own vacant properties within a qualifying city to lease those properties to the city for use during a declared emergency related to homelessness.

Hearing Date: 1/16/24

Staff: Austin Borcharding (786-7094).

Background:

Local Government Emergency Authority.

Cities, counties, and towns have the authority to declare a state of emergency or disaster and to exercise certain powers conferred once such an emergency or disaster is declared. This includes the authority to:

- enter into contracts and incur obligations necessary to combat the disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims;
- waive certain budget limitations and other requirements; and
- command the services and equipment of citizens.

This local government emergency power is granted to the executive head of the jurisdiction. For cities and towns, the executive head is the Mayor or City Manager. Alternatively, cities and

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towns may designate an executive head for emergency management purposes by ordinance. For counties, the executive head is the county legislative authority, and for charter counties with an elected executive, the executive head is the County Executive.

Federal Use of Property to Assist Homeless.

Federal law authorizes the use of underutilized, unutilized, excess, and surplus property owned by the federal government as facilities to assist the homeless as a permissible use in the protection of public health.

Summary of Bill:

State agencies that own vacant property within a city with a population of 150,000 or more must lease such properties to the cities in which they sit during a declared emergency related to homelessness.

A city may only utilize the leased property for use as:

- emergency shelters;
- emergency medical facilities; or
- for other uses directly related to the declared emergency.

The lease will last until the sooner of the following:

- one month after the end of the declared emergency;
- three months after the city last uses the property; or
- one month after the city provides notice to the state agency that they no longer need the property.

The city must return the leased property to the state agency in substantially the same condition it was received in, and they may request assistance from the Attorney General in drafting the lease.

Should a dispute arise, agencies and local governments are admonished to make every effort to resolve the dispute without resorting to litigation. Should this fail, either party may request the Governor's assistance in reaching a resolution, and the Governor may employ methods they deem appropriate in resolving the dispute, which may include the appointment of a mediator acceptable to both parties. The Governor may also seek the assistance of the Attorney General.

The legislative authority of a city or a code city with a population of 150,000 or more is authorized to lease vacant property in the city from state agencies when the city has declared an emergency related to homelessness.

The leased properties may be used as:

- emergency shelters;
- emergency medical facilities; or
- for other uses directly related to the declared emergency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.