

HOUSE BILL REPORT

HB 2172

As Reported by House Committee On:
Housing

Title: An act relating to providing for the use of vacant state agency property by a local government during an emergency.

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 History:

Committee Activity:

Housing: 1/16/24, 1/18/24 [DPS].

Brief Summary of Substitute 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.

HOUSE COMMITTEE ON HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis, Bateman, Chopp, Entenman, Low, Reed and Taylor.

Minority Report: Do not pass. Signed by 1 member: Representative Hutchins.

Minority Report: Without recommendation. Signed by 1 member: Representative Connors, Assistant Ranking Minority Member.

Staff: Austin Borcharding (786-7094).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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 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 Substitute 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;
- for use as emergency medical facilities; or
- for other uses directly related to the declared emergency.

The state agency may not charge more than \$1 per month during the lease, but it may include provisions for the city to pay any reasonable operation, maintenance, or other expenses incurred by the agency for the land or facilities during the lease.

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

Substitute Bill Compared to Original Bill:

As compared to the original bill, the substitute bill adds the following carveout language for state trust lands managed by the Department of Natural Resources: "This section does not apply to any state forestlands, any state lands or property granted to the state by the federal government for the purposes of common schools or education, or subject to a legal restriction that would be violated by compliance with this section."

Appropriation: None.

Fiscal Note: Requested on January 18, 2024.

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

Staff Summary of Public Testimony:

(In support) This legislation is needed to address the homelessness crisis. Demand for shelter for the homeless consistently outpaces supply. This bill provides a solution to this problem and enhances cities' ability to respond swiftly to homeless crises. This bill provides valuable resources for addressing issues surrounding homelessness, but it should

be amended to include cities with fewer than 150,000 residents. This would allow it to apply to cities like Olympia where there are many suitable properties.

(Opposed) We are not opposed to the concept, but to how it will be used in our college. This bill could place one of our parking lots at risk of being appropriated for use under this bill. This would place our students' safety at risk. We have received concerns from our students relating to used hypodermic needles and human waste seen in our community, and we are concerned that this bill would exacerbate that issue. We are also concerned regarding the cost of body armor we have purchased for our security staff and we fear this cost would increase if this bill were passed. We are concerned that the vacant land described in the bill is overly broad and could be interpreted to apply to lands owned by our college, which are vacant but for which the college has use. This bill does not provide an option or any discretion for the state agency to decide to end the lease, but rather leaves this determination solely to the city. We already utilize the spaces available on our college campuses for community assistance when the need arises, and we are concerned that the requirements of this bill would obligate us to provide assistance without being able to enforce the safety standards that we feel are appropriate in the utilization of our property for these purposes. We are concerned this will lead to a loss of control of the property.

(Other) This is only a technical objection, but the state constitution requires that state trust lands must be leased at fair market value, which conflicts with the requirements of this bill. This would not apply to aquatic lands. At the Tacoma Mall, if a plot were to become unused for six months, it would fall under this which would conflict with the general use of that area and its purpose.

Persons Testifying: (In support) Representative Paul Harris, prime sponsor; Jamie Spinelli and Brian Enslow, City of Vancouver; and Darian Lightfoot, City of Olympia.

(Opposed) Jeanne Bennett and Cristhian Canseco Juarez, Clark College; Darrell Jennings, Washington State Board for Community and Technical Colleges; and Michael Wilson, Community Colleges Spokane.

(Other) Duane Emmons, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.