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HOUSE BILL 2049

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Santos, Appleton, and Pollet

Read first time 02/09/15. Referred to Committee on Community Development, Housing & Tribal Affairs.

1            AN ACT Relating to supporting the development of affordable  
2 housing in urban areas; amending RCW 43.63A.510, 28A.335.120,  
3 28A.335.130, 43.19.19201, 43.20A.035, 47.12.063, 47.12.064,  
4 53.08.090, 53.08.091, 72.09.055, 79.11.005, 79A.05.170, 79A.05.175,  
5 and 81.112.080; adding a new section to chapter 35.21 RCW; adding a  
6 new section to chapter 36.34 RCW; adding new sections to chapter  
7 43.185 RCW; adding a new section to chapter 28A.335 RCW; and  
8 repealing RCW 43.20A.037.

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

10            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.21  
11 RCW to read as follows:

12            Every city with a population over two hundred thousand, based on  
13 the most recent federal census data, must provide an annual inventory  
14 to the department of commerce of all real property owned within an  
15 urban development area, as provided in RCW 43.63A.510, and must  
16 comply with the provisions of that section regarding the sale or  
17 transfer of real property.

18            NEW SECTION.    **Sec. 2.** A new section is added to chapter 36.34  
19 RCW to read as follows:

1 Every county that owns property within a city with a population  
2 over two hundred thousand, based on the most recent federal census  
3 data, must provide an annual inventory to the department of commerce  
4 of all real property owned within an urban development area of that  
5 city, as provided in RCW 43.63A.510, and must comply with the  
6 provisions of that section regarding the sale or transfer of real  
7 property.

8 **Sec. 3.** RCW 43.63A.510 and 1993 c 461 s 2 are each amended to  
9 read as follows:

10 ~~(1) ((The department shall work with the departments of natural  
11 resources, transportation, social and health services, corrections,  
12 and general administration to identify and catalog under-utilized,  
13 state-owned land and property suitable for the development of  
14 affordable housing for very low income, low income or moderate income  
15 households. The departments of natural resources, transportation,  
16 social and health services, corrections, and general administration  
17 shall provide an inventory of real property that is owned or  
18 administered by each agency and is available for lease or sale. The  
19 inventories shall be provided to the department by November 1, 1993,  
20 with inventory revisions provided each November 1 thereafter.~~

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

24 (3)) State and local governmental entities must identify and  
25 catalog all publicly owned real property within an urban development  
26 area that is underutilized or otherwise no longer suitable for  
27 government purposes. The inventories must be provided to the  
28 department by November 1st each year.

29 (2)(a) Any governmental entity that sells any underutilized or  
30 surplus property at fair market value must remit an amount equal to  
31 twenty percent of the sale price to the state treasurer to be  
32 deposited in the account established for the housing trust fund  
33 created in RCW 43.185.030.

34 (b) The money deposited into the account must be allocated to the  
35 housing assistance program for purposes of providing funding to an  
36 eligible organization to finance in whole or in part any loans or  
37 grant projects that will provide affordable housing within an urban  
38 development area.

1       (3)(a) The requirements under subsection (2) of this section do  
2 not apply to the sale of a parcel of real property if the  
3 governmental entity selling the land has transferred a parcel of real  
4 property located within an urban development area to the affordable  
5 housing land bank created in section 4 of this act.

6       (b) To be eligible for the exemption under (a) of this  
7 subsection:

8       (i) The property transfer must be made within twelve months  
9 before or within twelve months after the sale of the property sold  
10 under subsection (2) of this section;

11       (ii) The size of the transferred property must be at least twenty  
12 percent of the acreage of the property sold under subsection (2) of  
13 this section; and

14       (iii) The department must accept the transfer based on a  
15 determination that the parcel is suitable for affordable housing  
16 development.

17       (c) If the transferred property is less than twenty percent of  
18 the acreage of the property sold under subsection (2) of this  
19 section, the governmental entity may satisfy the requirement of  
20 subsection (2) of this section by otherwise meeting the requirements  
21 of this section and making a payment to the account in an amount  
22 equal to twenty percent of the sale price less the actual acreage  
23 percentage of the transferred property compared to the acreage of the  
24 property sold.

25       (d) Each property transfer under this subsection (3) may be used  
26 only to exempt the sale of one real property parcel within the  
27 established time frame.

28       (4) The department must establish each urban development area  
29 based on:

30       (a) The geographic area of a single zip code or multiple  
31 contiguous zip code areas in which the aggregate assessed real  
32 property value of all taxable property for the previous five-year  
33 period is greater than the aggregate assessed real property value for  
34 the entire city over that same period;

35       (b) The presence of any property owned by a governmental entity  
36 within the area; and

37       (c) The potential and need for affordable housing development  
38 within the area.

39       (5) The department may work with the department of revenue,  
40 county auditors, and the housing finance commission to determine the

1 location and boundaries of each urban development area. The  
2 department must publish the boundaries of each urban development area  
3 on its web site. The department must reestablish the urban  
4 development area boundaries every five years and provide notice to  
5 every governmental entity at that time.

6 (6) This section does not apply to the sale or transfer of:

7 (a) Any state forest lands; or

8 (b) Any state lands or property granted to the state by the  
9 federal government for the purposes for common schools, education, or  
10 other restricted purposes.

11 (7) As used in this section:

12 (a) "Affordable housing" means residential housing that is rented  
13 or owned by a person who qualifies as a very low-income household,  
14 low-income household, or moderate-income household or who is from a  
15 special needs population, and whose monthly housing costs, including  
16 utilities other than telephone, do not exceed thirty percent of the  
17 household's monthly income.

18 ~~((b))~~ (i) "Very low-income household" means a single person,  
19 family, or unrelated persons living together whose income is at or  
20 below fifty percent of the median income, adjusted for household  
21 size, for the county where the affordable housing is located.

22 ~~((c))~~ (ii) "Low-income household" means a single person,  
23 family, or unrelated persons living together whose income is more  
24 than fifty percent but is at or below eighty percent of the median  
25 income where the affordable housing is located.

26 ~~((d))~~ (iii) "Moderate-income household" means a single person,  
27 family, or unrelated persons living together whose income is more  
28 than eighty percent but is at or below one hundred fifteen percent of  
29 the median income where the affordable housing is located.

30 (b) "Urban development area" means any area established under  
31 subsection (4) of this section within a city with a population over  
32 two hundred thousand, based on the most recent federal census data.

33 (c) "Eligible organization" has the same meaning as in RCW  
34 43.185.060.

35 (d) "Governmental entity" means the departments of natural  
36 resources, transportation, social and health services, corrections,  
37 enterprise services, and public lands, as well as the state parks and  
38 recreation commission, counties, cities, towns, port districts,  
39 school districts, and regional transit authorities.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 43.185  
2    RCW to read as follows:

3        The affordable housing land bank is created within the department  
4    and managed through the housing assistance program. The land bank may  
5    receive any publicly owned real property, including property  
6    transferred pursuant to RCW 43.63A.510. The department may use the  
7    property in the affordable housing land bank only for purposes  
8    authorized in section 5 of this act, and subject to any restrictions  
9    of that section.

10       NEW SECTION.    **Sec. 5.**    A new section is added to chapter 43.185  
11    RCW to read as follows:

12        (1) Any property in the affordable housing land bank may be  
13    leased to any eligible organization for the purposes of the  
14    construction or operation of any housing project or development that  
15    dedicates at least eighty percent of its units to provide affordable  
16    housing. Any lease agreement may last up to forty years, and may  
17    provide for the transfer of any improvements to the property to an  
18    eligible organization at the end of the lease agreement.

19        (2) As used in this section "eligible organization" has the same  
20    meaning as in RCW 43.185.060.

21       NEW SECTION.    **Sec. 6.**    A new section is added to chapter 28A.335  
22    RCW to read as follows:

23        Each school district that owns any real property owned within an  
24    urban development area must provide an annual inventory to the  
25    department of commerce, as provided in RCW 43.63A.510, and must  
26    comply with the provisions of that section regarding the sale or  
27    transfer of real property.

28        **Sec. 7.**    RCW 28A.335.120 and 2006 c 263 s 913 are each amended to  
29    read as follows:

30        (1) Except as provided in RCW 43.63A.510, the board of directors  
31    of any school district of this state may:

32        (a) Sell for cash, at public or private sale, and convey by deed  
33    all interest of the district in or to any of the real property of the  
34    district which is no longer required for school purposes; and

35        (b) Purchase real property for the purpose of locating thereon  
36    and affixing thereto any house or houses and appurtenant buildings  
37    removed from school sites owned by the district and sell for cash, at

1 public or private sale, and convey by deed all interest of the  
2 district in or to such acquired and improved real property.

3 (2) When the board of directors of any school district proposes a  
4 sale of school district real property pursuant to this section and  
5 the value of the property exceeds seventy thousand dollars, the board  
6 shall publish a notice of its intention to sell the property. The  
7 notice shall be published at least once each week during two  
8 consecutive weeks in a legal newspaper with a general circulation in  
9 the area in which the school district is located. The notice shall  
10 describe the property to be sold and designate the place where and  
11 the day and hour when a hearing will be held. The board shall hold a  
12 public hearing upon the proposal to dispose of the school district  
13 property at the place and the day and hour fixed in the notice and  
14 admit evidence offered for and against the propriety and advisability  
15 of the proposed sale.

16 (3) The board of directors of any school district desiring to  
17 sell surplus real property shall publish a notice in a newspaper of  
18 general circulation in the school district. School districts shall  
19 not sell the property for at least forty-five days following the  
20 publication of the newspaper notice.

21 (4) Private schools shall have the same rights as any other  
22 person or entity to submit bids for the purchase of surplus real  
23 property and to have such bids considered along with all other bids.

24 (5) Any sale of school district real property authorized pursuant  
25 to this section shall be preceded by a market value appraisal by a  
26 professionally designated real estate appraiser as defined in RCW  
27 74.46.020 or a general real estate appraiser certified under chapter  
28 18.140 RCW selected by the board of directors and no sale shall take  
29 place if the sale price would be less than ninety percent of the  
30 appraisal made by the real estate appraiser: PROVIDED, That if the  
31 property has been on the market for one year or more the property may  
32 be reappraised and sold for not less than seventy-five percent of the  
33 reappraised value with the unanimous consent of the board.

34 (6) If in the judgment of the board of directors of any district  
35 the sale of real property of the district not needed for school  
36 purposes would be facilitated and greater value realized through use  
37 of the services of licensed real estate brokers, a contract for such  
38 services may be negotiated and concluded: PROVIDED, That the use of a  
39 licensed real estate broker will not eliminate the obligation of the  
40 board of directors to provide the notice described in this section:

1 PROVIDED FURTHER, That the fee or commissions charged for any broker  
2 services shall not exceed seven percent of the resulting sale value  
3 for a single parcel: PROVIDED FURTHER, That any professionally  
4 designated real estate appraiser as defined in RCW 74.46.020 or a  
5 general real estate appraiser certified under chapter 18.140 RCW  
6 selected by the board to appraise the market value of a parcel of  
7 property to be sold may not be a party to any contract with the  
8 school district to sell such parcel of property for a period of three  
9 years after the appraisal.

10 (7) If in the judgment of the board of directors of any district  
11 the sale of real property of the district not needed for school  
12 purposes would be facilitated and greater value realized through sale  
13 on contract terms, a real estate sales contract may be executed  
14 between the district and buyer.

15 **Sec. 8.** RCW 28A.335.130 and 2004 c 6 s 2 are each amended to  
16 read as follows:

17 Except as provided in RCW 28A.335.240(1) and 43.63A.510, the  
18 proceeds from any sale of school district real property by a board of  
19 directors shall be deposited to the debt service fund and/or the  
20 capital projects fund, except for amounts required to be expended for  
21 the costs associated with the sale of such property, which moneys may  
22 be deposited into the fund from which the expenditure was incurred.

23 **Sec. 9.** RCW 43.19.19201 and 2011 1st sp.s. c 43 s 218 are each  
24 amended to read as follows:

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

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

1 department must provide an annual inventory to the department of  
2 commerce of all real property owned within an urban development area,  
3 as provided in RCW 43.63A.510, and must comply with the provisions of  
4 that section regarding the sale or transfer of real property.

5 **Sec. 10.** RCW 43.20A.035 and 1991 c 204 s 2 are each amended to  
6 read as follows:

7 The department shall conduct an inventory of real properties as  
8 provided in RCW ((79.01.006)) 43.63A.510 and 79.02.400. The  
9 department must comply with the provisions of RCW 43.63A.510  
10 regarding the sale or transfer of real property within an urban  
11 development area.

12 **Sec. 11.** RCW 47.12.063 and 2011 c 376 s 2 are each amended to  
13 read as follows:

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

18 (2) Whenever the department determines that any real property  
19 owned by the state of Washington and under the jurisdiction of the  
20 department is no longer required for transportation purposes and that  
21 it is in the public interest to do so, the department may sell the  
22 property or exchange it in full or part consideration for land or  
23 improvements or for construction of improvements at fair market value  
24 to any person through the solicitation of written bids through public  
25 advertising in the manner prescribed under RCW 47.28.050 or in the  
26 manner prescribed under RCW 47.12.283.

27 (3) The department may forego the processes prescribed by RCW  
28 47.28.050 and 47.12.283 and sell the real property to any of the  
29 following entities or persons at fair market value:

30 (a) Any other state agency;

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

32 (c) Any other municipal corporation;

33 (d) Regional transit authorities created under chapter 81.112  
34 RCW;

35 (e) The former owner of the property from whom the state acquired  
36 title;

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

4 (g) Any abutting private owner but only after each other abutting  
5 private owner (if any), as shown in the records of the county  
6 assessor, is notified in writing of the proposed sale. If more than  
7 one abutting private owner requests in writing the right to purchase  
8 the property within fifteen days after receiving notice of the  
9 proposed sale, the property shall be sold at public auction in the  
10 manner provided in RCW 47.12.283;

11 (h) To any other owner of real property required for  
12 transportation purposes;

13 (i) In the case of property suitable for residential use, any  
14 nonprofit organization dedicated to providing affordable housing to  
15 very low-income, low-income, and moderate-income households as  
16 defined in RCW 43.63A.510 and is eligible to receive assistance  
17 through the Washington housing trust fund created in chapter 43.185  
18 RCW; or

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

21 (4) When selling real property pursuant to RCW 47.12.283, the  
22 department may withhold or withdraw the property from an auction when  
23 requested by one of the entities or persons listed in subsection (3)  
24 of this section and only after the receipt of a nonrefundable deposit  
25 equal to ten percent of the fair market value of the real property or  
26 five thousand dollars, whichever is less. This subsection does not  
27 prohibit the department from exercising its discretion to withhold or  
28 withdraw the real property from an auction if the department  
29 determines that the property is no longer surplus or chooses to sell  
30 the property through one of the other means listed in subsection (2)  
31 of this section. If a transaction under this subsection is not  
32 completed within sixty days, the real property must be put back up  
33 for sale.

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

1 (6) Conveyances made pursuant to this section shall be by deed  
2 executed by the secretary of transportation and shall be duly  
3 acknowledged.

4 (7) Unless otherwise provided, all moneys received pursuant to  
5 the provisions of this section less any real estate broker  
6 commissions paid pursuant to RCW 47.12.320 shall be deposited in the  
7 motor vehicle fund. The sale or transfer of any real property  
8 pursuant to this section that is located within an urban development  
9 area, as provided in RCW 43.63A.510, is subject to the provisions of  
10 that section.

11 **Sec. 12.** RCW 47.12.064 and 1995 c 399 s 121 are each amended to  
12 read as follows:

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

22 ~~(2) By November 1 of each year, beginning in 1994, the department  
23 shall purge the inventory of real property of sites that are no  
24 longer available for the development of affordable housing. The  
25 department shall include an updated listing of real property that has  
26 become available since the last update. As used in this section,  
27 "real property" means buildings, land, or buildings and land.))~~ The  
28 department must provide an annual inventory to the department of  
29 commerce of all real property owned within an urban development area,  
30 as provided in RCW 43.63A.510, and must comply with the provisions of  
31 that section regarding the sale or transfer of real property.

32 **Sec. 13.** RCW 53.08.090 and 1994 c 26 s 1 are each amended to  
33 read as follows:

34 (1) Each port commission must provide an annual inventory to the  
35 department of commerce of all real property owned within an urban  
36 development area, as provided in RCW 43.63A.510, and must comply with  
37 the provisions of that section regarding the sale or transfer of real  
38 property.

1       (2) A port commission may, by resolution, authorize the managing  
2 official of a port district to sell and convey port district property  
3 of ten thousand dollars or less in value. The authority shall be in  
4 force for not more than one calendar year from the date of resolution  
5 and may be renewed from year to year. Prior to any such sale or  
6 conveyance the managing official shall itemize and list the property  
7 to be sold and make written certification to the commission that the  
8 listed property is no longer needed for district purposes. Any large  
9 block of the property having a value in excess of ten thousand  
10 dollars shall not be broken down into components of ten thousand  
11 dollars or less value and sold in the smaller components unless the  
12 smaller components be sold by public competitive bid. Subject to the  
13 provisions of RCW 43.63A.510 regarding real property within an urban  
14 development area, a port district may sell and convey any of its real  
15 or personal property valued at more than ten thousand dollars when  
16 the port commission has, by resolution, declared the property to be  
17 no longer needed for district purposes, but no property which is a  
18 part of the comprehensive plan of improvement or modification thereof  
19 shall be disposed of until the comprehensive plan has been modified  
20 to find the property surplus to port needs. The comprehensive plan  
21 shall be modified only after public notice and hearing provided by  
22 RCW 53.20.010.

23       Nothing in this section shall be deemed to repeal or modify  
24 procedures for property sales within industrial development districts  
25 as set forth in chapter 53.25 RCW.

26       ~~((2) The ten thousand dollar figures in subsection (1) of this~~  
27 ~~section shall be adjusted annually based upon the governmental price~~  
28 ~~index established by the department of revenue under RCW 82.14.200.))~~

29       **Sec. 14.** RCW 53.08.091 and 2010 c 8 s 16001 are each amended to  
30 read as follows:

31       Except in cases where the full purchase price is paid at the time  
32 of the purchase, every sale of real property or personal property  
33 under authority of RCW 53.08.090 or 53.25.110 shall be subject to the  
34 following terms and conditions:

35       (1) The purchaser shall enter into a contract with the district  
36 in which the purchaser shall covenant that he or she will make the  
37 payments of principal and interest when due, and that he or she will  
38 pay all taxes and assessments on such property. Upon failure to make  
39 payments of principal, interest, assessments, or taxes when due all

1 rights of the purchaser under said contract may, at the election of  
2 the district, after notice to said purchaser, be declared to be  
3 forfeited. When the rights of the purchaser are declared forfeited,  
4 the district shall be released from all obligation to convey land  
5 covered by the contract, and in the case of personal property, the  
6 district shall have all rights granted to a secured party under  
7 chapter 62A.9A RCW;

8 (2) The district may, as it deems advisable, extend the time for  
9 payment of principal and interest due or to become due;

10 (3) The district shall notify the purchaser in each instance when  
11 payment is overdue, and that the purchaser is liable to forfeiture if  
12 payment is not made within thirty days from the time the same became  
13 due, unless the time be extended by the district;

14 (4) Not less than four percent of the total purchase price shall  
15 be paid on the date of execution of the contract for sale and not  
16 less than four percent shall be paid annually thereafter until the  
17 full purchase price has been paid, but any purchaser may make full  
18 payment at any time. All unpaid deferred payments shall draw interest  
19 at a rate not less than six percent per annum.

20 Nothing in this section shall be deemed to supersede other  
21 provisions of law more specifically governing sales of port district  
22 property, including RCW 43.63A.510 regarding the sale or transfer of  
23 real property within an urban development area. It is the purpose of  
24 this section to provide additional authority and procedures for sale  
25 of port district property no longer needed for port purposes.

26 **Sec. 15.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to  
27 read as follows:

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

37 ~~(2) By November 1 of each year, beginning in 1994, the department~~  
38 ~~shall purge the inventory of real property of sites that are no~~  
39 ~~longer available for the development of affordable housing. The~~

1 ~~department shall include an updated listing of real property that has~~  
2 ~~become available since the last update. As used in this section,~~  
3 ~~"real property" means buildings, land, or buildings and land.))~~ The  
4 department must provide an annual inventory to the department of  
5 commerce of all real property owned within an urban development area,  
6 as provided in RCW 43.63A.510, and must comply with the provisions of  
7 that section regarding the sale or transfer of real property.

8       **Sec. 16.** RCW 79.11.005 and 2003 c 334 s 201 are each amended to  
9 read as follows:

10       (1) The department must provide an annual inventory to the  
11 department of commerce of all real property owned within an urban  
12 development area, as provided in RCW 43.63A.510, and must comply with  
13 the provisions of that section regarding the sale or transfer of real  
14 property.

15       (2) Except as provided in RCW 43.63A.510, the department is  
16 authorized to sell any real property not designated or acquired as  
17 state forest lands, but acquired by the state, either in the name of  
18 the forest board, the forestry board, or the division of forestry,  
19 for administrative sites, lien foreclosures, or other purposes  
20 whenever it shall determine that the lands are no longer or not  
21 necessary for public use.

22       ~~((+2))~~ (3) Except as provided in RCW 43.63A.510, the sale may be  
23 made after public notice to the highest bidder for such a price as  
24 approved by the governor, but not less than the fair market value of  
25 the real property, plus the value of improvements thereon. Any  
26 instruments necessary to convey title must be executed by the  
27 governor in a form approved by the attorney general.

28       ~~((+3))~~ (4) Except as provided in RCW 43.63A.510, all amounts  
29 received from the sale must be credited to the fund of the department  
30 of government that is responsible for the acquisition and maintenance  
31 of the property sold.

32       **Sec. 17.** RCW 79A.05.170 and 1991 sp.s. c 13 s 23 are each  
33 amended to read as follows:

34       (1) The commission must provide an annual inventory to the  
35 department of commerce of all real property owned within an urban  
36 development area, as provided in RCW 43.63A.510, and must comply with  
37 the provisions of that section regarding the sale or transfer of real  
38 property.

1        (2) Except as provided in RCW 43.63A.510, any lands owned by the  
2 ~~((state parks and recreation))~~ commission, which are determined to be  
3 surplus to the needs of the state for development for state park  
4 purposes and which the commission proposes to deed to a local  
5 government or other entity, shall be accompanied by a clause  
6 requiring that if the land is not used for outdoor recreation  
7 purposes, ownership of the land shall revert to the ~~((state parks and~~  
8 ~~recreation))~~ commission.

9        ~~((+2))~~ (3) Except as provided in RCW 43.63A.510, the ~~((state~~  
10 ~~parks and recreation))~~ commission, in cases where land subject to  
11 such a reversionary clause is proposed for use or disposal for  
12 purposes other than recreation, shall require that, if the land is  
13 surplus to the needs of the commission for park purposes at the time  
14 the commission becomes aware of its proposed use for nonrecreation  
15 purposes, the holder of the land or property shall reimburse the  
16 commission for the release of the reversionary interest in the land.  
17 The reimbursement shall be in the amount of the fair market value of  
18 the reversionary interest as determined by a qualified appraiser  
19 agreeable to the commission. Appraisal costs shall be borne by the  
20 local entity which holds title to the land.

21        ~~((+3))~~ (4) Except as provided in RCW 43.63A.510, any funds  
22 generated under a reimbursement under this section shall be deposited  
23 in the parkland acquisition account which is hereby created in the  
24 state treasury. Moneys in this account are to be used solely for the  
25 purchase or acquisition of property for use as state park property by  
26 the commission, as directed by the legislature; all such funds shall  
27 be subject to legislative appropriation.

28        **Sec. 18.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to  
29 read as follows:

30        Except as provided in RCW 43.63A.510, whenever the commission  
31 finds that any land under its control cannot advantageously be used  
32 for park purposes, it is authorized to dispose of such land by the  
33 method provided in this section or by the method provided in RCW  
34 79A.05.170. If such lands are school or other grant lands, control  
35 thereof shall be relinquished by resolution of the commission to the  
36 proper state officials. If such lands were acquired under restrictive  
37 conveyances by which the state may hold them only so long as they are  
38 used for park purposes, they may be returned to the donor or grantors  
39 by the commission. All other such lands may be either sold by the

1 commission to the highest bidder or exchanged for other lands of  
2 equal value by the commission, and all conveyance documents shall be  
3 executed by the governor. All such exchanges shall be accompanied by  
4 a transfer fee, to be set by the commission and paid by the other  
5 party to the transfer; such fee shall be paid into the parkland  
6 acquisition account established under RCW 79A.05.170. The commission  
7 may accept sealed bids, electronic bids, or oral bids at auction.  
8 Bids on all sales shall be solicited at least twenty days in advance  
9 of the sale date by an advertisement appearing at least once a week  
10 for two consecutive weeks in a newspaper of general circulation in  
11 the county in which the land to be sold is located. If the commission  
12 feels that no bid received adequately reflects the fair value of the  
13 land to be sold, it may reject all bids, and may call for new bids.  
14 All proceeds derived from the sale of such park property shall be  
15 paid into the park land acquisition account. All land considered for  
16 exchange shall be evaluated by the commission to determine its  
17 adaptability to park usage. The equal value of all lands exchanged  
18 shall first be determined by the appraisals to the satisfaction of  
19 the commission. No sale or exchange of state park lands shall be made  
20 without the unanimous consent of the commission.

21 **Sec. 19.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to  
22 read as follows:

23 (1) An authority shall have the following powers in addition to  
24 the general powers granted by this chapter, and subject to the  
25 applicable provisions of RCW 43.63A.510:

26 ~~((1))~~ (a) To carry out the planning processes set forth in RCW  
27 81.104.100;

28 ~~((2))~~ (b) To acquire by purchase, condemnation, gift, or grant  
29 and to lease, construct, add to, improve, replace, repair, maintain,  
30 operate, and regulate the use of high capacity transportation  
31 facilities and properties within authority boundaries including  
32 surface, underground, or overhead railways, tramways, busways, buses,  
33 bus sets, entrained and linked buses, ferries, or other means of  
34 local transportation except taxis, and including escalators, moving  
35 sidewalks, personal rapid transit systems or other people-moving  
36 systems, passenger terminal and parking facilities and properties,  
37 and such other facilities and properties as may be necessary for  
38 passenger, vehicular, and vessel access to and from such people-  
39 moving systems, terminal and parking facilities and properties,

1 together with all lands, rights-of-way, property, equipment, and  
2 accessories necessary for such high capacity transportation systems.  
3 When developing specifications for high capacity transportation  
4 system operating equipment, an authority shall take into account  
5 efforts to establish or sustain a domestic manufacturing capacity for  
6 such equipment. The right of eminent domain shall be exercised by an  
7 authority in the same manner and by the same procedure as or may be  
8 provided by law for cities of the first class, except insofar as such  
9 laws may be inconsistent with the provisions of this chapter. Public  
10 transportation facilities and properties which are owned by any city,  
11 county, county transportation authority, public transportation  
12 benefit area, or metropolitan municipal corporation may be acquired  
13 or used by an authority only with the consent of the agency owning  
14 such facilities. Such agencies are hereby authorized to convey or  
15 lease such facilities to an authority or to contract for their joint  
16 use on such terms as may be fixed by agreement between the agency and  
17 the authority.

18 The facilities and properties of an authority whose vehicles will  
19 operate primarily within the rights-of-way of public streets, roads,  
20 or highways, may be acquired, developed, and operated without the  
21 corridor and design hearings that are required by RCW 35.58.273 for  
22 mass transit facilities operating on a separate right-of-way;

23 ~~((+3))~~ (c) To dispose of any real or personal property acquired  
24 in connection with any authority function and that is no longer  
25 required for the purposes of the authority, in the same manner as  
26 provided for cities of the first class, and subject to the provisions  
27 of RCW 43.63A.510 regarding the sale or transfer of real property in  
28 an urban development area. When an authority determines that a  
29 facility or any part thereof that has been acquired from any public  
30 agency without compensation is no longer required for authority  
31 purposes, but is required by the agency from which it was acquired,  
32 the authority shall by resolution transfer it to such agency;

33 ~~((+4))~~ (d) To fix rates, tolls, fares, and charges for the use  
34 of such facilities and to establish various routes and classes of  
35 service. Fares or charges may be adjusted or eliminated for any  
36 distinguishable class of users.

37 (2) Each authority must provide an annual inventory to the  
38 department of commerce of all real property owned within an urban  
39 development area, as provided in RCW 43.63A.510, and must comply with

1 the provisions of that section regarding the sale or transfer of real  
2 property.

3 NEW SECTION. **Sec. 20.** RCW 43.20A.037 (Affordable housing—  
4 Inventory of suitable housing) and 1995 c 399 s 65 & 1993 c 461 s 8  
5 are each repealed.

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