

# HOUSE BILL REPORT

## SSB 5332

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*As Reported By House Committee on:  
Capital Facilities & Financing*

**Title:** An act relating to the use of real property inventories to provide residential care for disabled persons.

**Brief Description:** Providing residential care for disabled persons.

**Sponsor(s):** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, West, Niemi, L. Smith, Madsen, Rasmussen, Snyder, Gaspard, Moore and Bauer).

**Brief History:**

Reported by House Committee on:  
Capital Facilities & Financing, April 5, 1991, DPA.

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**HOUSE COMMITTEE ON  
CAPITAL FACILITIES & FINANCING**

**Majority Report:** *Do pass as amended.* Signed by 12 members: Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Brough; Casada; Fraser; Jacobsen; Ogden; Peery; Silver; and Wang.

**Staff:** Bill Robinson (786-7140).

**Background:** Over the past 30 years, Washington State has chosen, where possible, to emphasize community-based care over institutional care for disabled people. Currently, institutional land and buildings that become vacant due to this policy are rented for other uses. Often, the only charges assessed to these tenants are the costs of the utilities.

Lands devoted to the care of the mentally ill and disabled are lands where state-owned residential treatment facilities or institutions are sited. The majority of this land, 3,513 acres, is managed by the Department of Social and Health Services. Lands at Northern State Hospital, 1,075 acres, are managed by the Department of General Administration and the Department of Natural Resources. Two nursing homes for veterans are run by the state Department of Veterans

Affairs, and the Schools for the Deaf and for the Blind are operated by separate boards of trustees.

Other lands held in trust for the mentally ill and disabled include lands managed by the Department of Natural Resources in the Charitable, Educational, Penal and Reformatory Institutions (CEP & RI) trust account. These lands were earmarked by the federal government at statehood for the support of these institutions. The CEP & RI trust currently contains 72,840 acres. Department of Natural Resources has traded land over the years, maintaining the value of the trust but not necessarily the acreage.

Washington courts have ruled that the trust must be compensated whenever trust lands are put to a use for which they were not originally intended. Historically, income from the CEP & RI trust has been used to maintain capital facilities at state institutions.

**Summary of Amended Bill:** Every five years the Department of Social and Health Services and other state agencies that operate institutions must conduct an inventory of all real property not needed for resident care.

Real property identified as not needed for state-provided residential care, custody, or treatment must be transferred to the CEP & RI account. The Department of Natural Resources, in consultation with the Department of Social and Health Services, shall manage all property in the CEP & RI account.

All earnings of investments of the CEP & RI account are to be retained in the account and not less than one-half of all the revenues are to be used for providing housing for disabled persons including the repair and renovation of state institutions.

The Department of Natural Resources must make every effort to lease CEP & RI land in urban or suburban areas that have a potential for commercial or residential development and is authorized to, sell, buy or trade CEP & RI trust land for other land of comparable value. Income from these leases must be deposited to the CEP & RI account with one-half of the income to be given priority consideration for appropriation to community based housing for disabled persons.

The Low-Income Housing Assistance Advisory Committee is to advise the director of the Department of Community Development on the housing needs of disabled persons. All advice from the committee must be consistent with policies developed by the regional support networks and the

developmental disabilities planning council. The director must include the needs of disabled persons in the annual report on the housing trust fund.

**Amended Bill Compared to Substitute Bill:** The requirement that the Legislature consult with the low-income housing advisory committee prior to appropriating money for housing disabled persons is deleted. The amount of CEP & RI income designated for disabled person housing is increased from one-quarter to one-half. The one-half designated for disabled housing is to include the repair and renovation of state institutions. The Department of Natural Resources is to report CEP & RI land sales, purchases or exchanges to the appropriate legislative committees. Land leased to a state agency operating an existing institution is exempt from the provision that leases must have the highest economic return. The Legislature is to give priority consideration to appropriating, rather than being required to appropriate, one-half of lease income for disabled persons.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Some nine out of 10 people with chronic disabilities are cared for in the community. Yet the land trust established for their care and the surplus institutional land acquired for their care provides funds primarily for maintaining the institutions, where only about one in 10 live. Adequate funding alternatives have not been provided for community housing. The bill would begin that process.

**Testimony Against:** None.

**Witnesses:** Senator Wojohn; Pat Thibaudeau, Washington Community Mental Health Council; and Jeff Larsen, Ed Lane, and Tami Warrett, Washington Assembly for Citizens with Disabilities.