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**SUBSTITUTE HOUSE BILL 2109**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Economic Development, Housing & Trade (originally sponsored by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Voloria, Buck, G. Chandler and Haigh)

Read first time 03/02/1999.

1 AN ACT Relating to authorizing tax, levy, and execution exemptions  
2 for properties of Indian housing authorities designated for low-income  
3 housing program uses; adding new sections to chapter 84.36 RCW; and  
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds there is insufficient  
7 affordable housing for low-income persons residing in the state of  
8 Washington and that the need for affordable housing is acute in Indian  
9 communities within the state. It is the intent of the legislature to  
10 encourage and promote tribal government efforts to develop affordable  
11 housing programs for its tribal members of low income and for other  
12 persons of low income within their service areas. This act is intended  
13 to provide tax exempt status to properties used by tribal housing  
14 authorities and intertribal housing authorities so as to enable such  
15 authorities to use funds including funds provided by the federal  
16 government under the Native American Housing Assistance and Self  
17 Determination Act in compliance with that act. This act is also  
18 intended to accord such properties protection against levies and

1 executions to the same extent such protection is provided to other  
2 public housing authorities within the state.

3 NEW SECTION. **Sec. 2.** Unless the context clearly indicates  
4 otherwise:

5 (1) "Tribal government" means the governing body of a federally  
6 recognized Indian tribe.

7 (2) "Tribal member" means an enrolled member of a federally  
8 recognized Indian tribe.

9 (3) "Tribal housing authority" means the tribal government or an  
10 agency or branch of the tribal government which operates and  
11 administers housing programs for tribal members that are considered  
12 persons of low income.

13 (4) "Intertribal housing authority" means a housing authority  
14 created by a consortium of tribal governments to operate and administer  
15 housing programs for and on behalf of such tribes.

16 (5) "Indian reservation" means all lands within the exterior  
17 boundaries of an Indian reservation and all other lands held by the  
18 federal government in trust for a tribe and under the jurisdiction of  
19 the tribal government.

20 (6) "Indian housing service area" means the service area designated  
21 and approved by the federal government as the geographical area and  
22 service population within which and to whom a tribal government, tribal  
23 housing authority, or intertribal housing authority provides its  
24 services.

25 (7) "Property" means all property of a tribal government, tribal  
26 housing authority, or an intertribal housing authority, including real  
27 property held in fee title located within an Indian reservation or  
28 Indian housing service area, which has been expressly designated for  
29 use in tribal low-income housing and personal property used in the  
30 operation and administration of tribal housing programs.

31 (8) "Persons of low income" has the same meaning as in RCW  
32 35.82.020.

33 NEW SECTION. **Sec. 3.** Property of a tribal government, tribal  
34 housing authority, or an intertribal housing authority shall be exempt  
35 from all taxes and special assessments of any city, county, state, or  
36 political subdivision where such property is situated. Where  
37 improvements, services, or facilities are furnished by a city, county,

1 or political subdivision for the benefit of a tribal housing project,  
2 the tribal government, tribal housing authority, or intertribal housing  
3 authority may agree to make to the city, county, state, or other  
4 political subdivision, reasonable reimbursements of its fair share of  
5 the cost of such improvement or facility or reasonable payments for  
6 services provided. In no event shall any reimbursement for costs  
7 exceed the amount last levied as an annual tax of such city, county,  
8 state, or political subdivision upon the property prior to the time of  
9 its acquisition by the tribal government, tribal housing authority, or  
10 intertribal housing authority nor shall any payments for services  
11 exceed payments made by other individual low-income users for the same  
12 services.

13 NEW SECTION. **Sec. 4.** Real property of a tribal government, tribal  
14 housing authority, or intertribal housing authority shall be exempt  
15 from levy and sale by virtue of an execution, and no execution or other  
16 judicial process shall issue against the same nor shall any judgment  
17 against such authority be a charge or lien upon its real property. The  
18 provisions of this section shall not apply to or limit the right of  
19 obligees to foreclose or otherwise enforce the terms of any mortgage of  
20 a tribal government, tribal housing authority, or intertribal housing  
21 authority or the right of obligees to pursue any remedies available to  
22 it under the law to enforce any pledge or lien given by a tribal  
23 government, tribal housing authority, or intertribal housing authority  
24 on its rents, fees, or revenues.

25 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are added  
26 to chapter 84.36 RCW.

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