

---

SECOND SUBSTITUTE HOUSE BILL 2109

---

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Finance (originally sponsored by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Voloria, Buck, G. Chandler and Haigh)

Read first time 03/08/1999.

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; adding  
4 a new section to chapter 6.17 RCW; and 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, the definitions in this section apply to sections 3 and 4 of  
5 this act:

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

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

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

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

17 (5) "Indian reservation" means all lands within the exterior  
18 boundaries of an Indian reservation.

19 (6) "Trust land" means lands held by the federal government in  
20 trust for a tribe and under the jurisdiction of the tribal government.

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

26 (8) "Property" means real property owned by a tribal government,  
27 tribal housing authority, or intertribal housing authority that has  
28 been expressly designated for and used in tribal low-income housing,  
29 including real property held in fee title located on trust land or  
30 within an Indian reservation or Indian housing service area, and  
31 personal property used by a tribal government, tribal housing  
32 authority, or intertribal housing authority in the operation and  
33 administration of tribal housing programs.

34 (9) "Persons of low income" has the same meaning as in RCW  
35 35.82.020.

36 NEW SECTION. **Sec. 3.** Property of a tribal government, tribal  
37 housing authority, or an intertribal housing authority shall be exempt

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

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 6.17 RCW  
17 to read as follows:

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

30 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are added to  
31 chapter 84.36 RCW.

--- END ---