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HOUSE BILL 2109

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Veloria, 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 provided by the federal government under the  
16 Native American Housing Assistance and Self Determination Act in  
17 compliance with that act. This act is also intended to accord such  
18 properties protection against levies and executions to the same extent  
19 such protection is provided to other public housing authorities within  
20 the state.

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

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

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

7        (3) "Tribal housing authority" means the tribal government or an  
8 agency or branch of the tribal government which operates and  
9 administers housing programs for the tribe.

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

13       (5) "Indian reservation" means all lands within the exterior  
14 boundaries of an Indian reservation and all lands held by the federal  
15 government in trust for the tribe and under the jurisdiction of the  
16 tribal government.

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

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

28       NEW SECTION.    **Sec. 3.**    Property of a tribal government, tribal  
29 housing authority, or an intertribal housing authority is declared to  
30 be public property used for essential public and governmental purposes  
31 and such property and the tribal government, tribal housing authority,  
32 or intertribal housing authority shall be exempt from all taxes and  
33 special assessments of any city, county, state, or political  
34 subdivision where such property is situated.    Where improvements,  
35 services, or facilities are furnished by a city, county, or political  
36 subdivision for the benefit of a tribal housing project, the tribal  
37 government, tribal housing authority, or intertribal housing authority  
38 may agree to make to the city, county, state, or other political

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

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

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

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