
SENATE BILL 5903

State of Washington 56th Legislature 1999 Regular Session

By Senators Prentice, Rasmussen and B. Sheldon

Read first time 02/15/1999. Referred to Committee on Ways & Means.

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

1 such protection is provided to other public housing authorities within
2 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 the tribe.

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

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

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

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

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

1 subdivision for the benefit of a tribal housing project, the tribal
2 government, tribal housing authority, or intertribal housing authority
3 may agree to make to the city, county, state, or other political
4 subdivision, reasonable reimbursements of its fair share of the cost of
5 such improvement or facility or reasonable payments for services
6 provided. In no event shall any reimbursement for costs exceed the
7 amount last levied as an annual tax of such city, county, state, or
8 political subdivision upon the property prior to the time of its
9 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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