
SUBSTITUTE HOUSE BILL 1462

State of Washington 62nd Legislature 2011 Regular Session

By House Community Development & Housing (originally sponsored by Representatives Kenney, Pettigrew, Ryu, Santos, Orwall, Ormsby, Springer, Reykdal, Dickerson, Frockt, and Kagi)

READ FIRST TIME 02/15/11.

1 AN ACT Relating to the use of surplus property for the development
2 of affordable housing; and amending RCW 43.63A.510, 43.20A.037,
3 72.09.055, 43.19.19201, 79A.05.170, 79A.05.175, 36.34.137, 35.21.687,
4 79.11.005, 57.08.016, and 81.112.080.

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

6 **Sec. 1.** RCW 43.63A.510 and 1993 c 461 s 2 are each amended to read
7 as follows:

8 (1) The department ((shall)) may work with ((~~the departments of~~
9 ~~natural resources, transportation, social and health services,~~
10 ~~corrections, and general administration~~)) state and local governmental
11 entities to identify and catalog surplus or underutilized((~~, state-~~
12 ~~owned land and property~~)) real property owned by these governmental
13 entities suitable for the development of affordable housing for
14 extremely low-income, very low-income, low-income, or moderate-income
15 households. The state and local governmental entities subject to the
16 requirements of this section are the departments of natural resources,
17 ((transportation,)) social and health services, corrections, ((and))
18 general administration ((shall)), public lands, the state parks and
19 recreation commission, counties with a population of more than one

1 hundred thousand, cities with a population of more than ten thousand,
2 towns with a population of more than ten thousand, regional transit
3 agencies, and water-sewer districts. These governmental entities must
4 provide an inventory of surplus or underutilized real property that is
5 owned or administered by each ((agency)) governmental entity and is
6 available for lease or sale. ((The inventories shall be provided to
7 the department by November 1, 1993, with inventory revisions provided
8 each November 1 thereafter.)) Each inventory must contain descriptive
9 information about each property that includes, if known, the contact
10 information for the property and the location, approximate size, sale
11 or lease price and terms, and current zoning classification of the
12 property. Each inventory must be updated at least once a year, and
13 printed and electronic copies of each inventory must be provided upon
14 request. Each annual inventory must also include any surplus
15 properties that have been sold for affordable housing.

16 (2) ~~((Upon written request, the department shall provide a copy of~~
17 ~~the inventory of state-owned and publicly owned lands and buildings to~~
18 ~~parties interested in developing the sites for affordable housing.~~

19 ~~(3))~~ Eligible organizations have the right to obtain these surplus
20 properties through purchase, lease, exchange, or donation, under
21 reasonable option and conveyance conditions, in return for a recorded
22 covenant to provide affordable housing for at least forty years or a
23 loan note in the name of a governmental entity for homeownership
24 programs.

25 (3) A governmental entity that sells real property to an eligible
26 organization under this section may do so at a price that is less than
27 fair market value, provided that the housing developed on the property
28 is occupied primarily by individuals or households who are extremely
29 low-income, very low-income, or low-income.

30 (4) Each governmental entity subject to the requirements of this
31 section, upon declaring a surplus property to be: (a) Available for
32 sale; (b) suitable for the development of affordable housing; and (c)
33 selected for the purpose of developing affordable housing, must first
34 exclusively offer the property for at least one hundred eighty days to
35 eligible organizations for the purpose of developing affordable
36 housing. The governmental entity also has sole authority to determine
37 what constitutes reasonable option and conveyance conditions for the
38 purchase, lease, exchange, or donation of the property.

1 (5) Each governmental entity subject to the requirements of this
2 section must develop the criteria and procedures necessary for
3 inventorying surplus property and offering it for sale, lease,
4 exchange, or donation for affordable housing. Each governmental entity
5 must (a) enter into a recorded covenant with the purchaser of the
6 surplus property or a loan note in the name of the governmental entity,
7 to ensure that the property will meet the required income restrictions,
8 and (b) monitor compliance with the covenant or loan note.

9 (6) As used in this section:

10 (a) "Affordable housing" means residential housing that is rented
11 or (~~owned by~~) sold to a person who qualifies as ((a)) an extremely
12 low-income, very low-income, low-income, or moderate-income household
13 or who is from a special needs population(~~(, and whose monthly housing~~
14 costs, including utilities other than telephone, do not exceed thirty
15 percent of the household's monthly income))).

16 (b) "Very low-income household" means a single person, family, or
17 unrelated persons living together whose income is at or below fifty
18 percent of the county area median income(~~(, adjusted for household~~
19 ~~size,)~~) for the county where the affordable housing is located,
20 adjusted for household size.

21 (c) "Low-income household" means a single person, family, or
22 unrelated persons living together whose income is more than fifty
23 percent but is at or below eighty percent of the county area median
24 income where the affordable housing is located, adjusted for household
25 size.

26 (d) "Moderate-income household" means a single person, family, or
27 unrelated persons living together whose income is more than eighty
28 percent but is at or below one hundred fifteen percent of the county
29 area median income where the affordable housing is located, adjusted
30 for household size.

31 (e) "Eligible organization" means any city, town, or county
32 government, local housing authority, public development authority,
33 community renewal agency, regional support network established under
34 chapter 71.24 RCW, nonprofit community or neighborhood-based
35 organization, federally recognized Indian tribe in the state of
36 Washington, or regional or statewide nonprofit housing assistance
37 organization, including such entities materially participating as a

1 general partner or managing members of a partnership, limited liability
2 company, or equivalent organization.

3 (f) "Extremely low-income household" means a single person, family,
4 or unrelated persons living together whose income is at or below thirty
5 percent of the county area median income where the affordable housing
6 is located, adjusted for household size.

7 (g) "Primarily" means fifty-one percent or more.

8 (h) "Real property" means land, buildings, or buildings and land.

9 (7) In addition to the requirements of this section, counties,
10 cities, and towns may sell surplus property at a discount for
11 affordable housing that may be part of mixed-income or mixed-use
12 developments, provided that the affordable housing complies with the
13 guidelines for amounts of affordable housing, income levels, affordable
14 rents, affordable sales prices, and minimum terms of affordability
15 under RCW 36.70A.540 for affordable housing incentive programs.

16 **Sec. 2.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended to
17 read as follows:

18 (1) In accordance with RCW 43.63A.510, the department shall
19 identify and catalog real property that is no longer required for
20 department purposes and is suitable for the development of affordable
21 housing for extremely low-income, very low-income, and moderate-income
22 households as defined in RCW 43.63A.510. The inventory ((shall)) must
23 include the location, approximate size, sale or lease price and terms,
24 and current zoning classification of the property. ((The department
25 shall provide a copy of the inventory to the department of community,
26 trade, and economic development by November 1, 1993, and every November
27 1 thereafter.

28 (2) ~~By November 1 of each year, beginning in 1994, the department~~
29 ~~shall purge the inventory of real property of sites that are no longer~~
30 ~~available for the development of affordable housing. The department~~
31 ~~shall include an updated listing of real property that has become~~
32 ~~available since the last update. As used in this section, "real~~
33 ~~property" means buildings, land, or buildings and land.) Each~~
34 inventory must be updated at least once a year, and printed and
35 electronic copies of each inventory must be provided upon request.
36 Each annual inventory must also include any surplus properties that
37 have been sold for affordable housing.

1 (2) In selling, leasing, transferring, or otherwise disposing of
2 surplus or underutilized property declared to be: (a) Available for
3 sale; (b) suitable for the development of affordable housing; and (c)
4 selected for the purpose of developing affordable housing, the
5 department shall give priority to selling the property to an eligible
6 organization as defined in RCW 43.63A.510 for the development of
7 affordable housing for extremely low-income, very low-income, low-
8 income, or moderate-income households, consistent with RCW 43.63A.510.
9 The department may sell, lease, or exchange the property for less than
10 fair market value if the affordable housing to be developed on the
11 property is to be occupied primarily by extremely low-income, very low-
12 income, or low-income households as provided in RCW 43.63A.510.

13 **Sec. 3.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to
14 read as follows:

15 (1) In accordance with RCW 43.63A.510, the department shall
16 identify and catalog real property that is no longer required for
17 department purposes and is suitable for the development of affordable
18 housing for extremely low-income, very low-income, low-income, and
19 moderate-income households as defined in RCW 43.63A.510. The inventory
20 ((shall)) must include the location, approximate size, sale or lease
21 price and terms, and current zoning classification of the property.
22 ((The department shall provide a copy of the inventory to the
23 department of community, trade, and economic development by November 1,
24 1993, and every November 1 thereafter.

25 ~~(2) By November 1 of each year, beginning in 1994, the department~~
26 ~~shall purge the inventory of real property of sites that are no longer~~
27 ~~available for the development of affordable housing. The department~~
28 ~~shall include an updated listing of real property that has become~~
29 ~~available since the last update. As used in this section, "real~~
30 ~~property" means buildings, land, or buildings and land.)) Each~~
31 inventory must be updated at least once a year, and printed and
32 electronic copies of each inventory must be provided upon request.
33 Each annual inventory must also include any surplus properties that
34 have been sold for affordable housing.

35 (2) In selling, leasing, transferring, or otherwise disposing of
36 surplus or underutilized property declared to be: (a) Available for
37 sale; (b) suitable for the development of affordable housing; and (c)

1 selected for the purpose of developing affordable housing, the
2 department shall give priority to selling the property to an eligible
3 organization as defined in RCW 43.63A.510 for the development of
4 affordable housing for extremely low-income, very low-income, low-
5 income, or moderate-income households, consistent with RCW 43.63A.510.
6 The department may sell, lease, or exchange the property for less than
7 fair market value if the affordable housing to be developed on the
8 property is to be occupied primarily by extremely low-income, very low-
9 income, or low-income households as provided in RCW 43.63A.510.

10 **Sec. 4.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to
11 read as follows:

12 (1) In accordance with RCW 43.63A.510, the department of general
13 administration shall identify and catalog real property that is no
14 longer required for department purposes and is suitable for the
15 development of affordable housing for extremely low-income, very low-
16 income, low-income, and moderate-income households as defined in RCW
17 43.63A.510. The inventory ((shall)) must include the location,
18 approximate size, sale or lease price and terms, and current zoning
19 classification of the property. ((The department of general
20 administration shall provide a copy of the inventory to the department
21 of community, trade, and economic development by November 1, 1993, and
22 every November 1 thereafter.

23 ~~(2) By November 1 of each year, beginning in 1994, the department~~
24 ~~of general administration shall purge the inventory of real property of~~
25 ~~sites that are no longer available for the development of affordable~~
26 ~~housing. The department shall include an updated listing of real~~
27 ~~property that has become available since the last update. As used in~~
28 ~~this section, "real property" means buildings, land, or buildings and~~
29 ~~land.)) Each inventory must be updated at least once a year, and~~
30 ~~printed and electronic copies of each inventory must be provided upon~~
31 ~~request. Each annual inventory must also include any surplus~~
32 ~~properties that have been sold for affordable housing.~~

33 (2) In selling, leasing, transferring, or otherwise disposing of
34 surplus or underutilized property declared to be: (a) Available for
35 sale; (b) suitable for the development of affordable housing; and (c)
36 selected for the purpose of developing affordable housing, the
37 department shall give priority to selling the property to an eligible

1 organization as defined in RCW 43.63A.510 for the development of
2 affordable housing for extremely low-income, very low-income, low-
3 income, or moderate-income households, consistent with RCW 43.63A.510.
4 The department may sell, lease, or exchange the property for less than
5 fair market value if the affordable housing to be developed on the
6 property is to be occupied primarily by extremely low-income, very low-
7 income, or low-income households as provided in RCW 43.63A.510.

8 **Sec. 5.** RCW 79A.05.170 and 1991 sp.s. c 13 s 23 are each amended
9 to read as follows:

10 (1) In selling, leasing, transferring, or otherwise disposing of
11 surplus or underutilized real property declared to be: (a) Available
12 for sale; (b) suitable for the development of affordable housing; and
13 (c) selected for the purpose of developing affordable housing, the
14 commission shall give priority to selling the property to an eligible
15 organization as defined in RCW 43.63A.510 for the development of
16 affordable housing for extremely low-income, very low-income, low-
17 income, or moderate-income households, consistent with RCW 43.63A.510.
18 The commission may sell, lease, or exchange the property for less than
19 fair market value if the affordable housing to be developed on the
20 property is to be occupied primarily by extremely low-income, very low-
21 income, or low-income households as provided in RCW 43.63A.510.

22 (2) Except for those lands subject to RCW 43.63A.510, any lands
23 owned by the ((state parks and recreation)) commission, which are
24 determined to be surplus to the needs of the state for development for
25 state park purposes and which the commission proposes to deed to a
26 local government or other entity, shall be accompanied by a clause
27 requiring that if the land is not used for outdoor recreation purposes,
28 ownership of the land shall revert to the ((state parks and
29 recreation)) commission.

30 ~~((2) The state parks and recreation commission,))~~ (a) In cases
31 where land subject to such a reversionary clause is proposed for use or
32 disposal for purposes other than recreation, the commission shall
33 require that, if the land is surplus to the needs of the commission for
34 park purposes at the time the commission becomes aware of its proposed
35 use for nonrecreation purposes, the holder of the land or property
36 shall reimburse the commission for the release of the reversionary
37 interest in the land. The reimbursement shall be in the amount of the

1 fair market value of the reversionary interest as determined by a
2 qualified appraiser agreeable to the commission. Appraisal costs shall
3 be borne by the local entity which holds title to the land.

4 ~~((+3+))~~ (b) Any funds generated under a reimbursement under this
5 section shall be deposited in the parkland acquisition account which is
6 hereby created in the state treasury. Moneys in this account are to be
7 used solely for the purchase or acquisition of property for use as
8 state park property by the commission, as directed by the legislature;
9 all such funds shall be subject to legislative appropriation.

10 (3) In accordance with RCW 43.63A.510, the commission shall
11 identify and catalog real property that is no longer required for
12 commission purposes and is declared to be available, suitable, and
13 selected for the development of affordable housing for extremely low-
14 income, very low-income, low-income, and moderate-income households as
15 defined in RCW 43.63A.510. The inventory must include the location,
16 approximate size, sale or lease price and terms, and current zoning
17 classification of the property. Each inventory must be updated at
18 least once a year, and printed and electronic copies of each inventory
19 must be provided upon request. Each annual inventory must also include
20 any surplus properties that have been sold for affordable housing.

21 **Sec. 6.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to read
22 as follows:

23 Except for those lands subject to RCW 43.63A.510 and 79A.05.170(1),
24 whenever the commission finds that any land under its control cannot
25 advantageously be used for park purposes, it is authorized to dispose
26 of such land by the method provided in this section or by the method
27 provided in RCW 79A.05.170. If such lands are school or other grant
28 lands, control thereof shall be relinquished by resolution of the
29 commission to the proper state officials. If such lands were acquired
30 under restrictive conveyances by which the state may hold them only so
31 long as they are used for park purposes, they may be returned to the
32 donor or grantors by the commission. All other such lands may be
33 either sold by the commission to the highest bidder or exchanged for
34 other lands of equal value by the commission, and all conveyance
35 documents shall be executed by the governor. All such exchanges shall
36 be accompanied by a transfer fee, to be set by the commission and paid
37 by the other party to the transfer; such fee shall be paid into the

1 parkland acquisition account established under RCW 79A.05.170. The
2 commission may accept sealed bids, electronic bids, or oral bids at
3 auction. Bids on all sales shall be solicited at least twenty days in
4 advance of the sale date by an advertisement appearing at least once a
5 week for two consecutive weeks in a newspaper of general circulation in
6 the county in which the land to be sold is located. If the commission
7 feels that no bid received adequately reflects the fair value of the
8 land to be sold, it may reject all bids, and may call for new bids.
9 All proceeds derived from the sale of such park property shall be paid
10 into the park land acquisition account. All land considered for
11 exchange shall be evaluated by the commission to determine its
12 adaptability to park usage. The equal value of all lands exchanged
13 shall first be determined by the appraisals to the satisfaction of the
14 commission. No sale or exchange of state park lands shall be made
15 without the unanimous consent of the commission.

16 **Sec. 7.** RCW 36.34.137 and 1993 c 461 s 5 are each amended to read
17 as follows:

18 (1) In accordance with RCW 43.63A.510, every county with a
19 population of more than one hundred thousand shall identify and catalog
20 real property owned by the county that is no longer required for its
21 purposes and is suitable for the development of affordable housing for
22 extremely low-income, very low-income, low-income, and moderate-income
23 households as defined in RCW 43.63A.510. The inventory ((shall)) must
24 include the location, approximate size, sale or lease price and terms,
25 and current zoning classification of the property. ((Every county
26 shall provide a copy of the inventory to the department of community
27 development by November 1, 1993, with inventory revisions each November
28 1 thereafter.

29 ~~(2) By November 1 of each year, beginning in 1994, every county~~
30 ~~shall purge the inventory of real property of sites that are no longer~~
31 ~~available for the development of affordable housing. The inventory~~
32 ~~revision shall include an updated listing of real property that has~~
33 ~~become available since the last update. As used in this section, "real~~
34 ~~property" means buildings, land, or buildings and land.)) Each~~
35 inventory must be updated at least once a year, and printed and
36 electronic copies of each inventory must be provided upon request.

1 Each annual inventory must also include any surplus properties that
2 have been sold for affordable housing.

3 (2) In addition to the requirements of this section, counties may
4 sell surplus property at a discount for affordable housing that may be
5 part of mixed-income or mixed-use developments, provided that the
6 affordable housing complies with the guidelines for amounts of
7 affordable housing, income levels, affordable rents, affordable sales
8 prices, and minimum terms of affordability under RCW 36.70A.540 for
9 affordable housing incentive programs.

10 **Sec. 8.** RCW 35.21.687 and 1995 c 399 s 37 are each amended to read
11 as follows:

12 (1) In accordance with RCW 43.63A.510, every city and town with a
13 population of more than ten thousand, including every code city with a
14 population of more than ten thousand operating under Title 35A RCW,
15 shall identify and catalog real property owned by the city or town that
16 is no longer required for its purposes and is suitable for the
17 development of affordable housing for extremely low-income, very low-
18 income, low-income, and moderate-income households as defined in RCW
19 43.63A.510. The inventory ((shall)) must include the location,
20 approximate size, sale or lease price and terms, and current zoning
21 classification of the property. ((Every city and town shall provide a
22 copy of the inventory to the department of community, trade, and
23 economic development by November 1, 1993, with inventory revisions each
24 November 1 thereafter.

25 ~~(2) By November 1 of each year, beginning in 1994, every city and~~
26 ~~town, including every code city operating under Title 35A RCW, shall~~
27 ~~purge the inventory of real property of sites that are no longer~~
28 ~~available for the development of affordable housing. The inventory~~
29 ~~revision shall also contain a list of real property that has become~~
30 ~~available since the last update. As used in this section, "real~~
31 ~~property" means buildings, land, or buildings and land.)) Each~~
32 inventory must be updated at least once a year, and printed and
33 electronic copies of each inventory must be provided upon request.
34 Each annual inventory must also include any surplus properties that
35 have been sold for affordable housing.

36 (2) In addition to the requirements of this section, cities and
37 towns may sell surplus property at a discount for affordable housing

1 that may be part of mixed-income or mixed-use developments, provided
2 that the affordable housing complies with the guidelines for amounts of
3 affordable housing, income levels, affordable rents, affordable sales
4 prices, and minimum terms of affordability under RCW 36.70A.540 for
5 affordable housing incentive programs.

6 **Sec. 9.** RCW 79.11.005 and 2003 c 334 s 201 are each amended to
7 read as follows:

8 (1) Subject to RCW 43.63A.510, the department is authorized to sell
9 any real property not designated or acquired as state forest lands, but
10 acquired by the state, either in the name of the forest board, the
11 forestry board, or the division of forestry, for administrative sites,
12 lien foreclosures, or other purposes whenever it shall determine that
13 the lands are no longer or not necessary for public use.

14 (2) In selling, leasing, transferring, or otherwise disposing of
15 surplus or underutilized real property declared to be: (a) Available
16 for sale; (b) suitable for the development of affordable housing; and
17 (c) selected for the purpose of developing affordable housing, the
18 department shall give priority to selling the property to an eligible
19 organization as defined in RCW 43.63A.510 for the development of
20 affordable housing for extremely low-income, very low-income, low-
21 income, or moderate-income households, consistent with RCW 43.63A.510.
22 The department may sell, lease, or exchange the property for less than
23 fair market value if the affordable housing to be developed on the
24 property is to be occupied primarily by extremely low-income, very low-
25 income, or low-income households as provided in RCW 43.63A.510.

26 (3) Except as otherwise provided under RCW 43.63A.510, the sale may
27 be made after public notice to the highest bidder for such a price as
28 approved by the governor, but not less than the fair market value of
29 the real property, plus the value of improvements thereon. Any
30 instruments necessary to convey title must be executed by the governor
31 in a form approved by the attorney general.

32 ~~((+3))~~ (4) All amounts received from the sale must be credited to
33 the fund of the department of government that is responsible for the
34 acquisition and maintenance of the property sold.

35 (5) In accordance with RCW 43.63A.510, the department shall
36 identify and catalog real property owned by the state that is no longer
37 required for its purposes and is declared to be available, suitable,

1 and selected for the development of affordable housing for extremely
2 low-income, very low-income, low-income, and moderate-income households
3 as defined in RCW 43.63A.510. The inventory must include the location,
4 approximate size, sale or lease price and terms, and current zoning
5 classification of the property. Each inventory must be updated at
6 least once a year, and printed and electronic copies of each inventory
7 must be provided upon request. Each annual inventory must also include
8 any surplus properties that have been sold for affordable housing.

9 **Sec. 10.** RCW 57.08.016 and 1999 c 153 s 5 are each amended to read
10 as follows:

11 (1) There shall be no private sale of real property where the
12 appraised value exceeds the sum of two thousand five hundred dollars.
13 Subject to the provisions of subsection (2) of this section, no real
14 property of the district shall be sold for less than ninety percent of
15 the value thereof as established by a written appraisal made not more
16 than six months prior to the date of sale by three disinterested real
17 estate brokers licensed under the laws of the state or professionally
18 designated real estate appraisers as defined in RCW 74.46.020. The
19 appraisal shall be signed by the appraisers and filed with the
20 secretary of the board of commissioners of the district, who shall keep
21 it at the office of the district open to public inspection. Any notice
22 of intention to sell real property of the district shall recite the
23 appraised value thereof.

24 (2) Subject to RCW 43.63A.510, if no purchasers can be obtained for
25 the property at ninety percent or more of its appraised value after one
26 hundred twenty days of offering the property for sale, the board of
27 commissioners of the district may adopt a resolution stating that the
28 district has been unable to sell the property at the ninety percent
29 amount. The district then may sell the property at the highest price
30 it can obtain at public auction. A notice of intention to sell at
31 public auction shall be published once a week for two consecutive weeks
32 in a newspaper of general circulation in the district. The notice
33 shall describe the property, state the time and place at which it will
34 be offered for sale and the terms of sale, and shall call for bids, fix
35 the conditions thereof, and reserve the right to reject any and all
36 bids for good cause.

1 (3) In selling, leasing, transferring, or otherwise disposing of
2 surplus or underutilized property declared to be: (a) Available for
3 sale; (b) suitable for the development of affordable housing; and (c)
4 selected for the purpose of developing affordable housing, a district
5 shall give priority to selling the property to an eligible organization
6 for the development of affordable housing for extremely low-income,
7 very low-income, low-income, or moderate-income households, consistent
8 with RCW 43.63A.510. A district may sell, lease, or exchange the
9 property for less than fair market value if the affordable housing to
10 be developed on the property is to be occupied primarily by extremely
11 low-income, very low-income, or low-income households as provided in
12 RCW 43.63A.510.

13 (4) A district shall identify and catalog real property that is no
14 longer required for district purposes and is declared to be available,
15 suitable, and selected for the development of affordable housing for
16 extremely low-income, very low-income, low-income, and moderate-income
17 households as defined in RCW 43.63A.510. The inventory must include
18 the location, approximate size, sale or lease price and terms, and
19 current zoning classification of the property. Each inventory must be
20 updated at least once a year, and printed and electronic copies of each
21 inventory must be provided upon request. Each annual inventory must
22 also include any surplus properties that have been sold for affordable
23 housing.

24 **Sec. 11.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to
25 read as follows:

26 An authority shall have the following powers in addition to the
27 general powers granted by this chapter:

28 (1) To carry out the planning processes set forth in RCW
29 81.104.100;

30 (2) To acquire by purchase, condemnation, gift, or grant and to
31 lease, construct, add to, improve, replace, repair, maintain, operate,
32 and regulate the use of high capacity transportation facilities and
33 properties within authority boundaries including surface, underground,
34 or overhead railways, tramways, busways, buses, bus sets, entrained and
35 linked buses, ferries, or other means of local transportation except
36 taxis, and including escalators, moving sidewalks, personal rapid
37 transit systems or other people-moving systems, passenger terminal and

1 parking facilities and properties, and such other facilities and
2 properties as may be necessary for passenger, vehicular, and vessel
3 access to and from such people-moving systems, terminal and parking
4 facilities and properties, together with all lands, rights-of-way,
5 property, equipment, and accessories necessary for such high capacity
6 transportation systems. When developing specifications for high
7 capacity transportation system operating equipment, an authority shall
8 take into account efforts to establish or sustain a domestic
9 manufacturing capacity for such equipment. The right of eminent domain
10 shall be exercised by an authority in the same manner and by the same
11 procedure as or may be provided by law for cities of the first class,
12 except insofar as such laws may be inconsistent with the provisions of
13 this chapter. Public transportation facilities and properties which
14 are owned by any city, county, county transportation authority, public
15 transportation benefit area, or metropolitan municipal corporation may
16 be acquired or used by an authority only with the consent of the agency
17 owning such facilities. Such agencies are hereby authorized to convey
18 or lease such facilities to an authority or to contract for their joint
19 use on such terms as may be fixed by agreement between the agency and
20 the authority.

21 The facilities and properties of an authority whose vehicles will
22 operate primarily within the rights-of-way of public streets, roads, or
23 highways, may be acquired, developed, and operated without the corridor
24 and design hearings that are required by RCW 35.58.273 for mass transit
25 facilities operating on a separate right-of-way;

26 (3) To dispose of any real or personal property acquired in
27 connection with any authority function and that is no longer required
28 for the purposes of the authority, in the same manner as provided for
29 cities of the first class. When an authority determines that a
30 facility or any part thereof that has been acquired from any public
31 agency without compensation is no longer required for authority
32 purposes, but is required by the agency from which it was acquired, the
33 authority shall by resolution transfer it to such agency;

34 (4) In selling, leasing, transferring, or otherwise disposing of
35 surplus or underutilized property declared to be: (a) Available for
36 sale; (b) suitable for the development of affordable housing; and (c)
37 selected for the purpose of developing affordable housing, to give
38 priority to selling the property to an eligible organization for the

1 development of affordable housing for extremely low-income, very low-
2 income, low-income, or moderate-income households, consistent with RCW
3 43.63A.510. An authority may sell, lease, or exchange the property for
4 less than fair market value if the affordable housing to be developed
5 on the property is to be occupied primarily by extremely low-income,
6 very low-income, or low-income households as provided in RCW
7 43.63A.510;

8 (5) To identify and catalog real property that is no longer
9 required for authority purposes and is declared to be available,
10 suitable, and selected for the development of affordable housing for
11 extremely low-income, very low-income, low-income, and moderate-income
12 households as defined in RCW 43.63A.510. The inventory must include
13 the location, approximate size, sale or lease price and terms, and
14 current zoning classification of the property. Each inventory must be
15 updated at least once a year, and printed and electronic copies of each
16 inventory must be provided upon request. Each annual inventory must
17 also include any surplus properties that have been sold for affordable
18 housing;

19 (6) To fix rates, tolls, fares, and charges for the use of such
20 facilities and to establish various routes and classes of service.
21 Fares or charges may be adjusted or eliminated for any distinguishable
22 class of users.

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