
ENGROSSED HOUSE BILL 2138

State of Washington

61st Legislature

2009 Regular Session

By Representatives Simpson and Chase

Read first time 02/11/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to the use of surplus property for the development
2 of affordable housing; and amending RCW 43.63A.510, 47.12.063,
3 47.12.064, 43.20A.037, 72.09.055, 43.19.19201, 79A.05.170, 79A.05.175,
4 36.34.137, 35.21.687, 79.11.005, and 79.22.060.

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

1 inventory of surplus or underutilized real property that is owned or
2 administered by each (~~agency~~) governmental entity and is available
3 for lease or sale. Each inventory must contain descriptive information
4 about each property that includes, if known, the contact information
5 for the property and the location, approximate size, sale or lease
6 price and terms, and current zoning classification of the property.
7 Each inventory must be updated at least once a year, and printed and
8 electronic copies of each inventory must be provided upon request. The
9 inventories (~~shall~~) must be provided to the department by November 1,
10 (~~1993~~) 2009, with inventory revisions provided each November 1st
11 thereafter.

12 (2) Surplus property for sale by the governmental entities subject
13 to the requirements of this section, and which is suitable for the
14 development of affordable housing, must be offered for at least the
15 first one hundred eighty days after its availability for sale,
16 exclusively to eligible organizations, for the purpose of developing
17 affordable housing. Eligible organizations have the right of first
18 opportunity to purchase these surplus properties, under reasonable
19 option and purchase conditions, in return for a commitment to provide
20 affordable housing for at least thirty years. Governmental entities
21 subject to this section have the sole authority to determine: (a)
22 Whether or not property is surplus; (b) whether or not the property is
23 suitable for the development of affordable housing for very low-income
24 and low-income persons or families; and (c) what constitutes reasonable
25 option and purchase conditions.

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

31 (4) Each governmental entity subject to the requirements of this
32 section must develop the criteria and procedures necessary for
33 inventorying surplus property and offering it for sale to eligible
34 organizations.

35 (5) The department must present a written report to the appropriate
36 committees of the legislature by December 1st of each year regarding
37 the status of the surplus or underutilized real property inventory as

1 required under this section, and which must include a comprehensive
2 listing of all real property subject to the inventory during the
3 preceding year.

4 (6) Upon written request, the department shall provide a copy of
5 the inventory of state-owned and publicly owned lands and buildings to
6 parties interested in developing (~~the sites~~) property for affordable
7 housing.

8 (~~(3)~~) (7) As used in this section:

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

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

19 (c) "Low-income household" means a single person, family, or
20 unrelated persons living together whose income is more than fifty
21 percent but is at or below eighty percent of the median income where
22 the affordable housing is located.

23 (d) "Moderate-income household" means a single person, family, or
24 unrelated persons living together whose income is more than eighty
25 percent but is at or below one hundred fifteen percent of the median
26 income where the affordable housing is located.

27 (e) "Eligible organization" means any city, town, or county
28 government, local housing authority, public development authority,
29 community renewal agency, regional support network established under
30 chapter 71.24 RCW, nonprofit community or neighborhood-based
31 organization, federally recognized Indian tribe in the state of
32 Washington, or regional or statewide nonprofit housing assistance
33 organization, each having experience in the development of affordable
34 housing.

35 (f) "Real property" means land, buildings, or buildings and land.

36 **Sec. 2.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read
37 as follows:

1 (1) It is the intent of the legislature to continue the
2 department's policy giving priority consideration to abutting property
3 owners in agricultural areas when disposing of property through its
4 surplus property program under this section. With respect to surplus
5 property in nonagricultural areas that is suitable for residential use,
6 the department shall give priority to selling the property to a public
7 entity or private nonprofit entity dedicated to the development of
8 affordable housing for very low-income, low-income, or moderate-income
9 households, consistent with the requirements of this section and RCW
10 43.63A.510.

11 (2) Whenever the department determines that any real property owned
12 by the state of Washington and under the jurisdiction of the department
13 is no longer required for transportation purposes and that it is in the
14 public interest to do so, the department may sell the property or
15 exchange it in full or part consideration for land or improvements or
16 for construction of improvements (~~at fair market value to~~). Except
17 as authorized in (j) of this subsection, the department must receive
18 fair market value for any such sale or exchange. The department may
19 engage in the sale or exchange of its surplus property with any of the
20 following governmental entities or persons:

- 21 (a) Any other state agency;
- 22 (b) The city or county in which the property is situated;
- 23 (c) Any other municipal corporation;
- 24 (d) Regional transit authorities created under chapter 81.112 RCW;
- 25 (e) The former owner of the property from whom the state acquired
26 title;

27 (f) In the case of residentially improved property, a tenant of the
28 department who has resided thereon for not less than six months and who
29 is not delinquent in paying rent to the state;

30 (g) Any abutting private owner but only after each other abutting
31 private owner (if any), as shown in the records of the county assessor,
32 is notified in writing of the proposed sale. If more than one abutting
33 private owner requests in writing the right to purchase the property
34 within fifteen days after receiving notice of the proposed sale, the
35 property shall be sold at public auction in the manner provided in RCW
36 47.12.283;

37 (h) To any person through the solicitation of written bids through
38 public advertising in the manner prescribed by RCW 47.28.050;

1 (i) To any other owner of real property required for transportation
2 purposes;

3 (j) In the case of property suitable for residential use, any
4 nonprofit organization dedicated to providing affordable housing to
5 very low-income, low-income, and moderate-income households as defined
6 in RCW 43.63A.510 and is eligible to receive assistance through the
7 Washington housing trust fund created in chapter 43.185 RCW. The
8 department may sell or exchange the property for less than fair market
9 value under this subsection (2)(j) if the affordable housing to be
10 developed on the property is to be occupied exclusively by very low-
11 income or low-income households as provided in RCW 43.63A.510; or

12 (k) A federally recognized Indian tribe within whose reservation
13 boundary the property is located.

14 (3) Sales to purchasers may at the department's option be for cash,
15 by real estate contract, or exchange of land or improvements.
16 Transactions involving the construction of improvements must be
17 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,
18 and must comply with all other applicable laws and rules.

19 (4) Conveyances made pursuant to this section shall be by deed
20 executed by the secretary of transportation and shall be duly
21 acknowledged.

22 (5) Unless otherwise provided, all moneys received pursuant to the
23 provisions of this section less any real estate broker commissions paid
24 pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

25 **Sec. 3.** RCW 47.12.064 and 1995 c 399 s 121 are each amended to
26 read as follows:

27 (1) In accordance with RCW 43.63A.510, the department shall
28 identify and catalog real property that is no longer required for
29 department purposes and is suitable for the development of affordable
30 housing for very low-income, low-income, and moderate-income households
31 as defined in RCW 43.63A.510. The inventory shall include the
32 location, approximate size, and current zoning classification of the
33 property. The department shall provide a copy of the inventory to the
34 department of community, trade, and economic development by November 1,
35 ~~((1993))~~ 2009, and every November 1st thereafter.

36 (2) By November 1st of each year, beginning in ~~((1994))~~ 2010, the
37 department shall purge the inventory of real property of sites that are

1 no longer available for the development of affordable housing. The
2 department shall include an updated listing of real property that has
3 become available since the last update. As used in this section, "real
4 property" means buildings, land, or buildings and land.

5 **Sec. 4.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended to
6 read as follows:

7 (1) In accordance with RCW 43.63A.510, the department shall
8 identify and catalog real property that is no longer required for
9 department purposes and is suitable for the development of affordable
10 housing for very low-income, and moderate-income households as defined
11 in RCW 43.63A.510. The inventory shall include the location,
12 approximate size, and current zoning classification of the property.
13 The department shall provide a copy of the inventory to the department
14 of community, trade, and economic development by November 1, (~~1993~~)
15 2009, and every November 1st thereafter.

16 (2) By November 1st of each year, beginning in (~~1994~~) 2010, the
17 department shall purge the inventory of real property of sites that are
18 no longer available for the development of affordable housing. The
19 department shall include an updated listing of real property that has
20 become available since the last update. As used in this section, "real
21 property" means buildings, land, or buildings and land.

22 (3) In selling, transferring, or otherwise disposing of surplus or
23 under utilized property, the department shall give priority to selling
24 the property to a public or private entity dedicated to the development
25 of affordable housing for very low-income, low-income, or moderate-
26 income households, consistent with RCW 43.63A.510. The department may
27 sell or exchange the property for less than fair market value if the
28 affordable housing to be developed on the property is to be occupied
29 exclusively by very low-income or low-income households as provided in
30 RCW 43.63A.510.

31 **Sec. 5.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to
32 read as follows:

33 (1) In accordance with RCW 43.63A.510, the department shall
34 identify and catalog real property that is no longer required for
35 department purposes and is suitable for the development of affordable
36 housing for very low-income, low-income, and moderate-income households

1 as defined in RCW 43.63A.510. The inventory shall include the
2 location, approximate size, and current zoning classification of the
3 property. The department shall provide a copy of the inventory to the
4 department of community, trade, and economic development by November 1,
5 ((1993)) 2009, and every November 1st thereafter.

6 (2) By November 1st of each year, beginning in ((1994)) 2010, the
7 department shall purge the inventory of real property of sites that are
8 no longer available for the development of affordable housing. The
9 department shall include an updated listing of real property that has
10 become available since the last update. As used in this section, "real
11 property" means buildings, land, or buildings and land.

12 (3) In selling, transferring, or otherwise disposing of surplus or
13 under utilized property, the department shall give priority to selling
14 the property to a public or private entity dedicated to the development
15 of affordable housing for very low-income, low-income, or moderate-
16 income households, consistent with RCW 43.63A.510. The department may
17 sell or exchange the property for less than fair market value if the
18 affordable housing to be developed on the property is to be occupied
19 exclusively by very low-income or low-income households as provided in
20 RCW 43.63A.510.

21 **Sec. 6.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to
22 read as follows:

23 (1) In accordance with RCW 43.63A.510, the department of general
24 administration shall identify and catalog real property that is no
25 longer required for department purposes and is suitable for the
26 development of affordable housing for very low-income, low-income, and
27 moderate-income households as defined in RCW 43.63A.510. The inventory
28 shall include the location, approximate size, and current zoning
29 classification of the property. The department of general
30 administration shall provide a copy of the inventory to the department
31 of community, trade, and economic development by November 1, ((1993))
32 2009, and every November 1st thereafter.

33 (2) By November 1st of each year, beginning in ((1994)) 2010, the
34 department of general administration shall purge the inventory of real
35 property of sites that are no longer available for the development of
36 affordable housing. The department shall include an updated listing of

1 real property that has become available since the last update. As used
2 in this section, "real property" means buildings, land, or buildings
3 and land.

4 (3) In selling, transferring, or otherwise disposing of surplus or
5 under utilized property, the department shall give priority to selling
6 the property to a public or private entity dedicated to the development
7 of affordable housing for very low-income, low-income, or moderate-
8 income households, consistent with RCW 43.63A.510. The department may
9 sell or exchange the property for less than fair market value if the
10 affordable housing to be developed on the property is to be occupied
11 exclusively by very low-income or low-income households as provided in
12 RCW 43.63A.510.

13 **Sec. 7.** RCW 79A.05.170 and 1991 sp.s. c 13 s 23 are each amended
14 to read as follows:

15 (1) In selling, transferring, or otherwise disposing of surplus or
16 underutilized real property, the commission shall give priority to
17 selling the property to a public or private entity dedicated to the
18 development of affordable housing for very low-income, low-income, or
19 moderate-income households, consistent with RCW 43.63A.510. The
20 commission may sell or exchange the property for less than fair market
21 value if the affordable housing to be developed on the property is to
22 be occupied exclusively by very low-income or low-income households as
23 provided in RCW 43.63A.510.

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

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

1 shall reimburse the commission for the release of the reversionary
2 interest in the land. The reimbursement shall be in the amount of the
3 fair market value of the reversionary interest as determined by a
4 qualified appraiser agreeable to the commission. Appraisal costs shall
5 be borne by the local entity which holds title to the land.

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

12 (3) In accordance with RCW 43.63A.510, the commission shall
13 identify and catalog real property that is no longer required for
14 commission purposes and is suitable for the development of affordable
15 housing for very low-income, low-income, and moderate-income households
16 as defined in RCW 43.63A.510. The inventory must include the location,
17 approximate size, and current zoning classification of the property.
18 The commission shall provide a copy of the inventory to the department
19 of community, trade, and economic development by November 1, 2009, and
20 every November 1st thereafter. By November 1st of each year, beginning
21 in 2010, the commission shall purge the inventory of real property of
22 sites that are no longer available for the development of affordable
23 housing. The commission shall include an updated listing of real
24 property that has become available since the last update. As used in
25 this section, "real property" means buildings, land, or buildings and
26 land.

27 **Sec. 8.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to read
28 as follows:

29 Except for those lands subject to RCW 43.63A.510 and 79A.05.170(1),
30 whenever the commission finds that any land under its control cannot
31 advantageously be used for park purposes, it is authorized to dispose
32 of such land by the method provided in this section or by the method
33 provided in RCW 79A.05.170. If such lands are school or other grant
34 lands, control thereof shall be relinquished by resolution of the
35 commission to the proper state officials. If such lands were acquired
36 under restrictive conveyances by which the state may hold them only so
37 long as they are used for park purposes, they may be returned to the

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

22 **Sec. 9.** RCW 36.34.137 and 1993 c 461 s 5 are each amended to read
23 as follows:

24 (1) In selling, transferring, or otherwise disposing of surplus or
25 underutilized real property, every county shall give priority to
26 selling the property to a public or private entity dedicated to the
27 development of affordable housing for very low-income, low-income, or
28 moderate-income households, consistent with RCW 43.63A.510. A county
29 may sell or exchange the property for less than fair market value if
30 the affordable housing to be developed on the property is to be
31 occupied exclusively by very low-income or low-income households as
32 provided in RCW 43.63A.510.

33 (2) In accordance with RCW 43.63A.510, every county shall identify
34 and catalog real property owned by the county that is no longer
35 required for its purposes and is suitable for the development of
36 affordable housing for very low-income, low-income, and moderate-income
37 households as defined in RCW 43.63A.510. The inventory shall include

1 the location, approximate size, and current zoning classification of
2 the property. Every county shall provide a copy of the inventory to
3 the department of community, trade, and economic development by
4 November 1, (~~(1993)~~) 2009, with inventory revisions each November 1st
5 thereafter.

6 (~~((+2))~~) (3) By November 1st of each year, beginning in (~~(1994)~~)
7 2010, every county shall purge the inventory of real property of sites
8 that are no longer available for the development of affordable housing.
9 The inventory revision shall include an updated listing of real
10 property that has become available since the last update. As used in
11 this section, "real property" means buildings, land, or buildings and
12 land.

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

15 (1) In selling, transferring, or otherwise disposing of surplus or
16 underutilized real property, every city and town, including every code
17 city operating under Title 35A RCW, shall give priority to selling the
18 property to a public or private entity dedicated to the development of
19 affordable housing for very low-income, low-income, or moderate-income
20 households, consistent with RCW 43.63A.510. A city, town, or code city
21 may sell or exchange the property for less than fair market value if
22 the affordable housing to be developed on the property is to be
23 occupied exclusively by very low-income or low-income households as
24 provided in RCW 43.63A.510.

25 (2) In accordance with RCW 43.63A.510, every city and town,
26 including every code city operating under Title 35A RCW, shall identify
27 and catalog real property owned by the city or town that is no longer
28 required for its purposes and is suitable for the development of
29 affordable housing for very low-income, low-income, and moderate-income
30 households as defined in RCW 43.63A.510. The inventory shall include
31 the location, approximate size, and current zoning classification of
32 the property. Every city and town shall provide a copy of the
33 inventory to the department of community, trade, and economic
34 development by November 1, (~~(1993)~~) 2009, with inventory revisions each
35 November 1st thereafter.

36 (~~((+2))~~) (3) By November 1st of each year, beginning in (~~(1994)~~)
37 2010, every city and town, including every code city operating under

1 Title 35A RCW, shall purge the inventory of real property of sites that
2 are no longer available for the development of affordable housing. The
3 inventory revision shall also contain a list of real property that has
4 become available since the last update. As used in this section, "real
5 property" means buildings, land, or buildings and land.

6 **Sec. 11.** 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, transferring, or otherwise disposing of surplus or
15 underutilized real property, the department shall give priority to
16 selling the property to a public or private entity dedicated to the
17 development of affordable housing for very low-income, low-income, or
18 moderate-income households, consistent with RCW 43.63A.510. The
19 department may sell or exchange the property for less than fair market
20 value if the affordable housing to be developed on the property is to
21 be occupied exclusively by very low-income or low-income households as
22 provided in RCW 43.63A.510.

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

29 ~~((+3))~~ (4) All amounts received from the sale must be credited to
30 the fund of the department of government that is responsible for the
31 acquisition and maintenance of the property sold.

32 (5) In accordance with RCW 43.63A.510, the department shall
33 identify and catalog real property owned by the county that is no
34 longer required for its purposes and is suitable for the development of
35 affordable housing for very low-income, low-income, and moderate-income
36 households as defined in RCW 43.63A.510. The inventory must include
37 the location, approximate size, and current zoning classification of

1 the property. The department shall provide a copy of the inventory to
2 the department of community, trade, and economic development by
3 November 1, 2009, with inventory revisions each November 1st
4 thereafter.

5 (6) By November 1st of each year, beginning in 2010, the department
6 shall purge the inventory of real property of sites that are no longer
7 available for the development of affordable housing. The inventory
8 revision must include an updated listing of real property that has
9 become available since the last update. As used in this section, "real
10 property" means buildings, land, or buildings and land.

11 **Sec. 12.** RCW 79.22.060 and 2003 c 334 s 221 are each amended to
12 read as follows:

13 (1) With the approval of the board and subject to RCW 43.63A.510,
14 the department may directly transfer or dispose of state forest lands
15 without public auction, if such lands consist of ten contiguous acres
16 or less, or have a value of twenty-five thousand dollars or less. Such
17 disposal may only occur in the following circumstances:

18 (a) Transfers in lieu of condemnation; and

19 (b) Transfers to resolve trespass and property ownership disputes.

20 (2) Except as otherwise provided under RCW 43.63A.510 and
21 79.11.005(2), real property to be transferred or disposed of under this
22 section shall be transferred or disposed of only after appraisal and
23 for at least fair market value, and only if such transaction is in the
24 best interest of the state or affected trust.

25 (3) The proceeds from real property transferred or disposed of
26 under this section shall be deposited into the park land trust
27 revolving fund and be solely used to buy replacement land within the
28 same county as the property transferred or disposed.

29 (4) In selling, transferring, or otherwise disposing of surplus or
30 underutilized property, the department shall give priority to selling
31 the property to a public or private entity dedicated to the development
32 of affordable housing for very low-income, low-income, or moderate-
33 income households, consistent with RCW 43.63A.510. The department may
34 sell or exchange the property for less than fair market value if the
35 affordable housing to be developed on the property is to be occupied
36 exclusively by very low-income or low-income households as provided in
37 RCW 43.63A.510.

1 (5) In accordance with RCW 43.63A.510, the department shall
2 identify and catalog real property that is no longer required for
3 department purposes and is suitable for the development of affordable
4 housing for very low-income, low-income, and moderate-income households
5 as defined in RCW 43.63A.510. The inventory must include the location,
6 approximate size, and current zoning classification of the property.
7 The department shall provide a copy of the inventory to the department
8 of community, trade, and economic development by November 1, 2009, and
9 every November 1st thereafter.

10 (6) By November 1st of each year, beginning in 2010, the department
11 shall purge the inventory of real property of sites that are no longer
12 available for the development of affordable housing. The department
13 shall include an updated listing of real property that has become
14 available since the last update. As used in this section, "real
15 property" means buildings, land, or buildings and land.

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