

---

**SUBSTITUTE SENATE BILL 5214**

---

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Chase, Prentice, Regala, and Kline)

READ FIRST TIME 02/10/11.

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 provide)), public lands except for state  
19 forest lands, the state parks and recreation commission, counties,

1 cities, towns, regional transit agencies, and water-sewer districts.  
2 These governmental entities must maintain an inventory of surplus or  
3 underutilized real property that is owned or administered by each  
4 ((agency)) governmental entity and is available for lease or sale.  
5 ((The inventories shall be provided to the department by November 1,  
6 1993, with inventory revisions provided each November 1 thereafter.))  
7 Each inventory must contain descriptive information about each property  
8 that includes, if known, the contact information for the property and  
9 the location, approximate size, sale or lease price and terms, and  
10 current zoning classification of the property. Each inventory must be  
11 updated at least once a year, and printed and electronic copies of each  
12 inventory must be provided upon request. Each annual inventory must  
13 also include any surplus properties that have been sold for affordable  
14 housing. Counties with a population of less than one hundred thousand  
15 and cities and towns with a population of less than ten thousand are  
16 not required to maintain an inventory as required under this section.

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

20 ~~(3))~~ Surplus property for sale by the governmental entities  
21 subject to the requirements of this section, and which is suitable for  
22 the development of affordable housing, must be offered for at least the  
23 first one hundred eighty days after its availability for sale  
24 exclusively to eligible organizations, for the purpose of developing  
25 affordable housing.

26 (3) Eligible organizations have the right to obtain these surplus  
27 properties through purchase, lease, exchange, or donation, under  
28 reasonable option and conveyance conditions, in return for a recorded  
29 covenant to provide affordable housing for at least forty years or a  
30 loan note in the name of a governmental entity for homeownership  
31 programs.

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

37 (5) Governmental entities subject to this section have the sole  
38 authority to determine: (a) Whether or not property is surplus; (b)

1 whether or not the property is suitable for the development of  
2 affordable housing; and (c) what constitutes reasonable option and  
3 conveyance conditions for the purchase, lease, exchange, or donation of  
4 the property.

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

13 (7) As used in this section:

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

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

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

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

35 (e) "Eligible organization" means any city, town, or county  
36 government, local housing authority, public development authority,  
37 community renewal agency, regional support network established under  
38 chapter 71.24 RCW, nonprofit community or neighborhood-based

1 organization, federally recognized Indian tribe in the state of  
2 Washington, or regional or statewide nonprofit housing assistance  
3 organization, including such entities materially participating as a  
4 general partner or managing members of a partnership, limited liability  
5 company, or equivalent organization.

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

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

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

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

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

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

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

1 electronic copies of each inventory must be provided upon request.  
2 Each annual inventory must also include any surplus properties that  
3 have been sold for affordable housing.

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

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

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

26 ~~(2) By November 1 of each year, beginning in 1994, the department~~  
27 ~~shall purge the inventory of real property of sites that are no longer~~  
28 ~~available for the development of affordable housing. The department~~  
29 ~~shall include an updated listing 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 selling, leasing, transferring, or otherwise disposing of  
37 surplus or underutilized property, the department shall give priority

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

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

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

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

32 (2) In selling, leasing, transferring, or otherwise disposing of  
33 surplus or underutilized property, the department shall give priority  
34 to selling the property to an eligible organization as defined in RCW  
35 43.63A.510 for the development of affordable housing for extremely low-  
36 income, very low-income, low-income, or moderate-income households,  
37 consistent with RCW 43.63A.510. The department may sell, lease, or

1 exchange the property for less than fair market value if the affordable  
2 housing to be developed on the property is to be occupied primarily by  
3 extremely low-income, very low-income, or low-income households as  
4 provided in RCW 43.63A.510.

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

7 (1) In selling, leasing, transferring, or otherwise disposing of  
8 surplus or underutilized real property, the commission shall give  
9 priority to selling the property to an eligible organization as defined  
10 in RCW 43.63A.510 for the development of affordable housing for  
11 extremely low-income, very low-income, low-income, or moderate-income  
12 households, consistent with RCW 43.63A.510. The commission may sell,  
13 lease, or exchange the property for less than fair market value if the  
14 affordable housing to be developed on the property is to be occupied  
15 primarily by extremely low-income, very low-income, or low-income  
16 households as provided in RCW 43.63A.510.

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

25 ((+2) ~~The state parks and recreation commission,~~) (a) In cases  
26 where land subject to such a reversionary clause is proposed for use or  
27 disposal for purposes other than recreation, the commission shall  
28 require that, if the land is surplus to the needs of the commission for  
29 park purposes at the time the commission becomes aware of its proposed  
30 use for nonrecreation purposes, the holder of the land or property  
31 shall reimburse the commission for the release of the reversionary  
32 interest in the land. The reimbursement shall be in the amount of the  
33 fair market value of the reversionary interest as determined by a  
34 qualified appraiser agreeable to the commission. Appraisal costs shall  
35 be borne by the local entity which holds title to the land.

36 ((+3)) (b) Any funds generated under a reimbursement under this  
37 section shall be deposited in the parkland acquisition account which is

1 hereby created in the state treasury. Moneys in this account are to be  
2 used solely for the purchase or acquisition of property for use as  
3 state park property by the commission, as directed by the legislature;  
4 all such funds shall be subject to legislative appropriation.

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

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

18 Except for those lands subject to RCW 43.63A.510 and 79A.05.170(1),  
19 whenever the commission finds that any land under its control cannot  
20 advantageously be used for park purposes, it is authorized to dispose  
21 of such land by the method provided in this section or by the method  
22 provided in RCW 79A.05.170. If such lands are school or other grant  
23 lands, control thereof shall be relinquished by resolution of the  
24 commission to the proper state officials. If such lands were acquired  
25 under restrictive conveyances by which the state may hold them only so  
26 long as they are used for park purposes, they may be returned to the  
27 donor or grantors by the commission. All other such lands may be  
28 either sold by the commission to the highest bidder or exchanged for  
29 other lands of equal value by the commission, and all conveyance  
30 documents shall be executed by the governor. All such exchanges shall  
31 be accompanied by a transfer fee, to be set by the commission and paid  
32 by the other party to the transfer; such fee shall be paid into the  
33 parkland acquisition account established under RCW 79A.05.170. The  
34 commission may accept sealed bids, electronic bids, or oral bids at  
35 auction. Bids on all sales shall be solicited at least twenty days in  
36 advance of the sale date by an advertisement appearing at least once a  
37 week for two consecutive weeks in a newspaper of general circulation in

1 the county in which the land to be sold is located. If the commission  
2 feels that no bid received adequately reflects the fair value of the  
3 land to be sold, it may reject all bids, and may call for new bids.  
4 All proceeds derived from the sale of such park property shall be paid  
5 into the park land acquisition account. All land considered for  
6 exchange shall be evaluated by the commission to determine its  
7 adaptability to park usage. The equal value of all lands exchanged  
8 shall first be determined by the appraisals to the satisfaction of the  
9 commission. No sale or exchange of state park lands shall be made  
10 without the unanimous consent of the commission.

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

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

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

33 (2) In addition to the requirements of this section, counties may  
34 sell surplus property at a discount for affordable housing that may be  
35 part of mixed-income or mixed-use developments, provided that the  
36 affordable housing complies with the guidelines for amounts of

1 affordable housing, income levels, affordable rents, affordable sales  
2 prices, and minimum terms of affordability under RCW 36.70A.540 for  
3 affordable housing incentive programs.

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

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

17 ~~(2) By November 1 of each year, beginning in 1994, every city and~~  
18 ~~town, including every code city operating under Title 35A RCW, shall~~  
19 ~~purge the inventory of real property of sites that are no longer~~  
20 ~~available for the development of affordable housing. The inventory~~  
21 ~~revision shall also contain a list of real property that has become~~  
22 ~~available since the last update. As used in this section, "real~~  
23 ~~property" means buildings, land, or buildings and land.)) Each~~

24 inventory must be updated at least once a year, and printed and  
25 electronic copies of each inventory must be provided upon request.  
26 Each annual inventory must also include any surplus properties that  
27 have been sold for affordable housing.

28 (2) In addition to the requirements of this section, cities and  
29 towns may sell surplus property at a discount for affordable housing  
30 that may be part of mixed-income or mixed-use developments, provided  
31 that the affordable housing complies with the guidelines for amounts of  
32 affordable housing, income levels, affordable rents, affordable sales  
33 prices, and minimum terms of affordability under RCW 36.70A.540 for  
34 affordable housing incentive programs.

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

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

7       (2) In selling, leasing, transferring, or otherwise disposing of  
8 surplus or underutilized real property, the department shall give  
9 priority to selling the property to an eligible organization as defined  
10 in RCW 43.63A.510 for the development of affordable housing for  
11 extremely low-income, very low-income, low-income, or moderate-income  
12 households, consistent with RCW 43.63A.510. The department may sell,  
13 lease, or exchange the property for less than fair market value if the  
14 affordable housing to be developed on the property is to be occupied  
15 primarily by extremely low-income, very low-income, or low-income  
16 households as provided in RCW 43.63A.510.

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

23       ~~((+3))~~ (4) All amounts received from the sale must be credited to  
24 the fund of the department of government that is responsible for the  
25 acquisition and maintenance of the property sold.

26       (5) In accordance with RCW 43.63A.510, the department shall  
27 identify and catalog real property owned by the state that is no longer  
28 required for its purposes and is suitable for the development of  
29 affordable housing for extremely low-income, very low-income, low-  
30 income, and moderate-income households as defined in RCW 43.63A.510.  
31 The inventory must include the location, approximate size, sale or  
32 lease price and terms, and current zoning classification of the  
33 property. Each inventory must be updated at least once a year, and  
34 printed and electronic copies of each inventory must be provided upon  
35 request. Each annual inventory must also include any surplus  
36 properties that have been sold for affordable housing.

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

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

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

29       (3) In selling, leasing, transferring, or otherwise disposing of  
30 surplus or underutilized property, a district shall give priority to  
31 selling the property to an eligible organization for the development of  
32 affordable housing for extremely low-income, very low-income, low-  
33 income, or moderate-income households, consistent with RCW 43.63A.510.  
34 A district may sell, lease, or exchange the property for less than fair  
35 market value if the affordable housing to be developed on the property  
36 is to be occupied primarily by extremely low-income, very low-income,  
37 or low-income households as provided in RCW 43.63A.510.

1       (4) A district shall identify and catalog real property that is no  
2 longer required for district purposes and is suitable for the  
3 development of affordable housing for extremely low-income, very low-  
4 income, low-income, and moderate-income households as defined in RCW  
5 43.63A.510. The inventory must include the location, approximate size,  
6 sale or lease price and terms, and current zoning classification of the  
7 property. Each inventory must be updated at least once a year, and  
8 printed and electronic copies of each inventory must be provided upon  
9 request. Each annual inventory must also include any surplus  
10 properties that have been sold for affordable housing.

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

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

15       (1) To carry out the planning processes set forth in RCW  
16 81.104.100;

17       (2) To acquire by purchase, condemnation, gift, or grant and to  
18 lease, construct, add to, improve, replace, repair, maintain, operate,  
19 and regulate the use of high capacity transportation facilities and  
20 properties within authority boundaries including surface, underground,  
21 or overhead railways, tramways, busways, buses, bus sets, entrained and  
22 linked buses, ferries, or other means of local transportation except  
23 taxis, and including escalators, moving sidewalks, personal rapid  
24 transit systems or other people-moving systems, passenger terminal and  
25 parking facilities and properties, and such other facilities and  
26 properties as may be necessary for passenger, vehicular, and vessel  
27 access to and from such people-moving systems, terminal and parking  
28 facilities and properties, together with all lands, rights-of-way,  
29 property, equipment, and accessories necessary for such high capacity  
30 transportation systems. When developing specifications for high  
31 capacity transportation system operating equipment, an authority shall  
32 take into account efforts to establish or sustain a domestic  
33 manufacturing capacity for such equipment. The right of eminent domain  
34 shall be exercised by an authority in the same manner and by the same  
35 procedure as or may be provided by law for cities of the first class,  
36 except insofar as such laws may be inconsistent with the provisions of  
37 this chapter. Public transportation facilities and properties which

1 are owned by any city, county, county transportation authority, public  
2 transportation benefit area, or metropolitan municipal corporation may  
3 be acquired or used by an authority only with the consent of the agency  
4 owning such facilities. Such agencies are hereby authorized to convey  
5 or lease such facilities to an authority or to contract for their joint  
6 use on such terms as may be fixed by agreement between the agency and  
7 the authority.

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

13 (3) To dispose of any real or personal property acquired in  
14 connection with any authority function and that is no longer required  
15 for the purposes of the authority, in the same manner as provided for  
16 cities of the first class. When an authority determines that a  
17 facility or any part thereof that has been acquired from any public  
18 agency without compensation is no longer required for authority  
19 purposes, but is required by the agency from which it was acquired, the  
20 authority shall by resolution transfer it to such agency;

21 (4) In selling, leasing, transferring, or otherwise disposing of  
22 surplus or underutilized property, to give priority to selling the  
23 property to an eligible organization for the development of affordable  
24 housing for extremely low-income, very low-income, low-income, or  
25 moderate-income households, consistent with RCW 43.63A.510. An  
26 authority may sell, lease, or exchange the property for less than fair  
27 market value if the affordable housing to be developed on the property  
28 is to be occupied primarily by extremely low-income, very low-income,  
29 or low-income households as provided in RCW 43.63A.510;

30 (5) To identify and catalog real property that is no longer  
31 required for authority purposes and is suitable for the development of  
32 affordable housing for extremely low-income, very low-income, low-  
33 income, and moderate-income households as defined in RCW 43.63A.510.  
34 The inventory must include the location, approximate size, sale or  
35 lease price and terms, and current zoning classification of the  
36 property. Each inventory must be updated at least once a year, and  
37 printed and electronic copies of each inventory must be provided upon

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

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

--- END ---