
HOUSE BILL 1811

State of Washington

67th Legislature

2022 Regular Session

By Representative Sells

Prefiled 01/06/22. Read first time 01/10/22. Referred to Committee on Local Government.

1 AN ACT Relating to fire benefit charges imposed by cities and
2 towns; and adding a new chapter to Title 35 RCW.

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

4 NEW SECTION. **Sec. 1.** (1)(a) A city or town that is not part of
5 a fire protection district or regional fire protection service
6 authority may by resolution, for the enhancement of fire protection
7 services, fix and impose a benefit charge on personal property and
8 improvements to real property that are located in the city or town,
9 to be paid by the owners of the properties.

10 (b) A benefit charge imposed under (a) of this subsection shall
11 not apply to personal property and improvements to real property
12 owned or used by: (i) Any recognized religious denomination or
13 religious organization as, or including, a sanctuary or for purposes
14 related to the bona fide religious ministries of the denomination or
15 religious organization, including schools and educational facilities
16 used for kindergarten, primary, or secondary educational purposes or
17 for institutions of higher education and all grounds and buildings
18 related thereto, but not including personal property and improvements
19 to real property owned or used by any recognized religious
20 denomination or religious organization for business operations,
21 profit-making enterprises, or activities not including use of a

1 sanctuary or related to kindergarten, primary, or secondary
2 educational purposes or for institutions of higher education; or (ii)
3 any entity exempt from taxation under RCW 35.82.210, 84.36.030(3), or
4 84.36.560.

5 (2) A benefit charge imposed shall be reasonably proportioned to
6 the measurable benefits to property resulting from the enhancement of
7 services afforded by the city or town fire department. It is
8 acceptable to apportion the benefit charge to the values of the
9 properties as found by the county assessor or assessors modified
10 generally in the proportion that fire insurance rates are reduced or
11 entitled to be reduced as the result of providing the services. Any
12 other method that reasonably apportions the benefit charges to the
13 actual benefits resulting from the degree of protection, which may
14 include but is not limited to the distance from regularly maintained
15 fire protection equipment, the level of fire prevention services
16 provided to the properties, or the need of the properties for
17 specialized services, may be specified in the resolution and shall be
18 subject to contest on the ground of unreasonable or capricious action
19 or action in excess of the measurable benefits to the property
20 resulting from services afforded by the city or town fire department.
21 The city or town may determine that certain properties or types or
22 classes of properties are not receiving measurable benefits based on
23 criteria they establish by resolution. A benefit charge authorized by
24 this section shall not be applicable to the personal property or
25 improvements to real property of any individual, corporation,
26 partnership, firm, organization, or association maintaining a fire
27 department and whose fire protection and training system has been
28 accepted by a fire insurance underwriter maintaining a fire
29 protection engineering and inspection service authorized by the state
30 insurance commissioner to do business in this state, but such
31 property may be protected by the city or town under a contractual
32 agreement. For administrative purposes, the benefit charge imposed on
33 any individual property may be compiled into a single charge,
34 provided that the city or town, upon request of the property owner,
35 provide an itemized list of charges for each measurable benefit
36 included in the charge.

37 (3) The resolution establishing benefit charges shall specify, by
38 legal geographical areas or other specific designations, the charge
39 to apply to each property by location, type, or other designation, or
40 other information that is necessary to the proper computation of the

1 benefit charge to be charged to each property owner subject to the
2 resolution. The county assessor of each county shall determine and
3 identify the personal properties and improvements to real property
4 which are subject to a benefit charge in each city or town and shall
5 furnish and deliver to the county treasurer of that county a listing
6 of the properties with information describing the location, legal
7 description, and address of the person to whom the statement of
8 benefit charges is to be mailed, the name of the owner, and the value
9 of the property and improvements, together with the benefit charge to
10 apply to each. These benefit charges shall be certified to the county
11 treasurer for collection in the same manner that is used for the
12 collection of fire protection assessments for forestlands protected
13 by the department of natural resources under RCW 76.04.610 and the
14 same penalties and provisions for collection shall apply.

15 (4) Each city and town shall contract, prior to the imposition of
16 a benefit charge, for the administration and collection of the
17 benefit charge by each county treasurer, who shall deduct a percent,
18 as provided by contract to reimburse the county for expenses incurred
19 by the county assessor and county treasurer in the administration of
20 the resolution and this section. The county treasurer shall make
21 distributions each year, as the charges are collected, in the amount
22 of the benefit charges imposed on behalf of the city or town, less
23 the deduction provided for in the contract.

24 (5) Any benefit charge authorized by this section shall not be
25 effective unless a proposition to impose the benefit charge is
26 approved by a 60 percent majority of the voters of the city or town
27 voting at a general election or at a special election called by the
28 city or town for that purpose, held within the city or town. An
29 election held pursuant to this section shall be held not more than 12
30 months prior to the date on which the first such charge is to be
31 assessed. A benefit charge approved at an election shall not remain
32 in effect for a period of more than six years nor more than the
33 number of years authorized by the voters if fewer than six years
34 unless subsequently reapproved by the voters.

35 (6) The ballot shall be submitted so as to enable the voters
36 favoring the authorization of a benefit charge to vote "Yes" and
37 those opposed thereto to vote "No," and the ballot shall be:

38 "Shall be authorized to impose benefit
39 charges each year for (insert number of years not to

1 exceed six) years, not to exceed an amount equal to
2 (insert percentage amount not to exceed 60) percent of its
3 fire department operating budget?

4 YES NO
5

6 (7) A city or town renewing the benefit charge may elect to use
7 the following alternative ballot:

8 "Shall be authorized to continue voter-
9 authorized benefit charges each year for (insert
10 number of years not to exceed six) years, not to exceed an
11 amount equal to (insert percentage amount not to
12 exceed 60) percent of its fire department operating budget?

13 YES NO
14

15 (8) Not less than 10 days nor more than six months before the
16 election at which the proposition to impose the benefit charge is
17 submitted as provided in this section, the city or town shall hold a
18 public hearing specifically setting forth its proposal to impose
19 benefit charges for the support of its legally authorized activities
20 which will maintain or improve the services afforded in the city or
21 town. A report of the public hearing shall be filed with the county
22 treasurer of each county in which the property is located and be
23 available for public inspection.

24 (9) (a) Prior to November 15th of each year the city or town shall
25 hold a public hearing to review and establish the benefit charges for
26 the subsequent year.

27 (b) All resolutions imposing or changing the benefit charges
28 shall be filed with the county treasurer for each county in which the
29 property is located, together with the record of each public hearing,
30 before November 30th immediately preceding the year in which the
31 benefit charges are to be collected on behalf of the city or town
32 fire department.

33 (c) After the benefit charges have been established, the owners
34 of the property subject to the charge shall be notified of the amount
35 of the charge.

1 (10) After notice has been given to the property owners of the
2 amount of the charge, the city or town imposing a benefit charge
3 under this section shall form a review board for at least a two-week
4 period and shall, upon complaint in writing of a party aggrieved
5 owning property in the city or town, reduce the charge of a person
6 who, in their opinion, has been charged too large a sum, to a sum or
7 amount as they believe to be the true, fair, and just amount.

8 (11) A person who is receiving the exemption contained in RCW
9 84.36.381 through 84.36.389 shall be exempt from any legal obligation
10 to pay a portion of the charge imposed by this section according to
11 the following:

12 (a) A person who meets the income limitation contained in RCW
13 84.36.381(5)(a) and does not meet the income limitation contained in
14 RCW 84.36.381(5)(b) (i) or (ii) shall be exempt from 25 percent of
15 the charge.

16 (b) A person who meets the income limitation contained in RCW
17 84.36.381(5)(b) (i) shall be exempt from 50 percent of the charge.

18 (c) A person who meets the income limitation contained in RCW
19 84.36.381(5)(b) (ii) shall be exempt from 75 percent of the charge.

20 (12) For the purposes of this section:

21 (a) "Personal property" includes every form of tangible personal
22 property, including, but not limited to, all goods, chattels, stock
23 in trade, estates, or crops, except that the term "personal property"
24 does not include any personal property used for farming, field crops,
25 farm equipment, or livestock; and

26 (b) "Improvements to real property" does not include permanent
27 growing crops, field improvements installed for the purpose of aiding
28 the growth of permanent crops, or other field improvements normally
29 not subject to damage by fire.

30 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
31 chapter in Title 35 RCW.

--- END ---