
SUBSTITUTE HOUSE BILL 2485

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives H. Sommers, Rust, Reams, Scheuerman, Regala, Kessler, Costa, Chopp, Murray, Conway, Valle, Tokuda, Basich, Wolfe, Patterson, Dellwo and Linville)

Read first time 02/02/96.

1 AN ACT Relating to reducing property tax assessments in response to
2 government restrictions; amending RCW 84.69.020; and adding a new
3 section to chapter 84.40 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 84.40 RCW
6 to read as follows:

7 (1) The owner or person responsible for payment of taxes on any
8 property may petition the assessor for a reduction in the assessed
9 value of the property at any time within three years of adoption of a
10 restriction by a government entity.

11 (2) Notwithstanding the revaluation cycle for the county, the
12 assessor shall reconsider the valuation of the property within one
13 hundred twenty days of the filing of a petition under subsection (1) of
14 this section. If the new valuation is established for the property
15 after this review, the assessor shall notify the property owner in the
16 manner provided in RCW 84.40.045. Unless the property would otherwise
17 be revalued that year as a result of the revaluation cycle or new
18 construction, the valuation of the property shall not be increased as
19 a result of this revaluation. If the new valuation is established

1 after June 1st in any year, the new valuation shall be used for
2 purposes of imposing property taxes in the following year, but the
3 property owner shall be eligible for a refund under RCW 84.69.020.

4 (3) A new valuation established under this section may be appealed
5 under RCW 84.40.038.

6 (4) As used in this section, "restriction" means a limitation,
7 requirement, regulation, or restriction that limits the use of the
8 property, including those imposed by the application of ordinances,
9 resolutions, rules, regulations, policies, statutes, and conditions of
10 land use approval.

11 **Sec. 2.** RCW 84.69.020 and 1994 c 301 s 55 are each amended to read
12 as follows:

13 On the order of the county treasurer, ad valorem taxes paid before
14 or after delinquency shall be refunded if they were:

15 (1) Paid more than once; or

16 (2) Paid as a result of manifest error in description; or

17 (3) Paid as a result of a clerical error in extending the tax
18 rolls; or

19 (4) Paid as a result of other clerical errors in listing property;
20 or

21 (5) Paid with respect to improvements which did not exist on
22 assessment date; or

23 (6) Paid under levies or statutes adjudicated to be illegal or
24 unconstitutional; or

25 (7) Paid as a result of mistake, inadvertence, or lack of knowledge
26 by any person exempted from paying real property taxes or a portion
27 thereof pursuant to RCW 84.36.381 through 84.36.389, as now or
28 hereafter amended; or

29 (8) Paid as a result of mistake, inadvertence, or lack of knowledge
30 by either a public official or employee or by any person with respect
31 to real property in which the person paying the same has no legal
32 interest; or

33 (9) Paid on the basis of an assessed valuation which was appealed
34 to the county board of equalization and ordered reduced by the board;
35 or

36 (10) Paid on the basis of an assessed valuation which was appealed
37 to the state board of tax appeals and ordered reduced by the board:
38 PROVIDED, That the amount refunded under subsections (9) and (10) of

1 this section shall only be for the difference between the tax paid on
2 the basis of the appealed valuation and the tax payable on the
3 valuation adjusted in accordance with the board's order; or

4 (11) Paid as a state property tax levied upon property, the
5 assessed value of which has been established by the state board of tax
6 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount
7 refunded shall only be for the difference between the state property
8 tax paid and the amount of state property tax which would, when added
9 to all other property taxes within the one percent limitation of
10 Article VII, section 2 of the state Constitution equal one percent of
11 the assessed value established by the board;

12 (12) Paid on the basis of an assessed valuation which was
13 adjudicated to be unlawful or excessive: PROVIDED, That the amount
14 refunded shall be for the difference between the amount of tax which
15 was paid on the basis of the valuation adjudged unlawful or excessive
16 and the amount of tax payable on the basis of the assessed valuation
17 determined as a result of the proceeding; or

18 (13) Paid on property acquired under RCW 84.60.050, and canceled
19 under RCW 84.60.050(2); or

20 (14) Paid on the basis of an assessed valuation that was reduced
21 under section 1 of this act.

22 No refunds under the provisions of this section shall be made
23 because of any error in determining the valuation of property, except
24 as authorized in subsections (9), (10), (11), and (12) of this section
25 nor may any refunds be made if a bona fide purchaser has acquired
26 rights that would preclude the assessment and collection of the
27 refunded tax from the property that should properly have been charged
28 with the tax. Any refunds made on delinquent taxes shall include the
29 proportionate amount of interest and penalties paid. The county
30 treasurer may deduct from moneys collected for the benefit of the
31 state's levy, refunds of the state levy including interest on the levy
32 as provided by this section and chapter 84.68 RCW.

33 The county treasurer of each county shall make all refunds
34 determined to be authorized by this section, and by the first Monday in
35 January of each year, report to the county legislative authority a list
36 of all refunds made under this section during the previous year. The

1 list is to include the name of the person receiving the refund, the
2 amount of the refund, and the reason for the refund.

--- END ---