
SENATE BILL 5376

State of Washington

54th Legislature

1995 Regular Session

By Senators Moyer, Franklin, Deccio, Winsley, Oke, Wood, Pelz, Hale, Prince, Quigley, Rasmussen, Bauer and McCaslin

Read first time 01/23/95. Referred to Committee on Ways & Means.

1 AN ACT Relating to property tax relief for senior citizens and
2 persons retired by reason of physical disability; amending RCW
3 84.36.383 and 84.36.383; creating a new section; and providing a
4 contingent effective date.

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

6 **Sec. 1.** RCW 84.36.383 and 1991 c 213 s 4 are each amended to read
7 as follows:

8 As used in RCW 84.36.381 through 84.36.389, except where the
9 context clearly indicates a different meaning:

10 (1) The term "residence" shall mean a single family dwelling unit
11 whether such unit be separate or part of a multiunit dwelling,
12 including the land on which such dwelling stands not to exceed one
13 acre. The term shall also include a share ownership in a cooperative
14 housing association, corporation, or partnership if the person claiming
15 exemption can establish that his or her share represents the specific
16 unit or portion of such structure in which he or she resides. The term
17 shall also include a single family dwelling situated upon lands the fee
18 of which is vested in the United States or any instrumentality thereof
19 including an Indian tribe or in the state of Washington, and

1 notwithstanding the provisions of RCW 84.04.080(~~(7)~~) or 84.04.090 (~~(or~~
2 ~~84.40.250)~~), such a residence shall be deemed real property.

3 (2) The term "real property" shall also include a mobile home which
4 has substantially lost its identity as a mobile unit by virtue of its
5 being fixed in location upon land owned or leased by the owner of the
6 mobile home and placed on a foundation (posts or blocks) with fixed
7 pipe, connections with sewer, water, or other utilities: PROVIDED,
8 That a mobile home located on land leased by the owner of the mobile
9 home shall be subject, for tax billing, payment, and collection
10 purposes, only to the personal property provisions of chapter 84.56 RCW
11 and RCW 84.60.040.

12 (3) The term "preceding calendar year" shall mean the calendar year
13 preceding the year in which the claim for exemption is to be made.

14 (4) "Department" shall mean the state department of revenue.

15 (5) "Combined disposable income" means the disposable income of the
16 person claiming the exemption, plus the disposable income of his or her
17 spouse, and the disposable income of each cotenant occupying the
18 residence for the preceding calendar year, less amounts paid by the
19 person claiming the exemption or his or her spouse during the previous
20 year for:

21 (a) Drugs supplied by prescription of a medical practitioner
22 authorized by the laws of this state or another jurisdiction to issue
23 prescriptions; and

24 (b) The treatment or care of either person received in the home or
25 in a nursing home.

26 (6) "Disposable income" means adjusted gross income as defined in
27 the federal internal revenue code, as amended prior to January 1, 1989,
28 or such subsequent date as the director may provide by rule consistent
29 with the purpose of this section, plus all of the following items to
30 the extent they are not included in or have been deducted from adjusted
31 gross income:

32 (a) Capital gains, other than nonrecognized gain on the sale of a
33 principal residence under section 1034 of the federal internal revenue
34 code, or gain excluded from income under section 121 of the federal
35 internal revenue code to the extent it is reinvested in a new principal
36 residence;

37 (b) Amounts deducted for loss;

38 (c) Amounts deducted for depreciation;

39 (d) Pension and annuity receipts;

1 (e) Military pay and benefits other than attendant-care and
2 medical-aid payments;

3 (f) Veterans benefits other than attendant-care and medical-aid
4 payments;

5 (g) Federal social security act and railroad retirement benefits;

6 (h) Dividend receipts; and

7 (i) Interest received on state and municipal bonds.

8 (7) "Cotenant" means a person who resides with the person claiming
9 the exemption and who has an ownership interest in the residence.

10 **Sec. 2.** RCW 84.36.383 and 1994 sp.s. c 8 s 2 are each amended to
11 read as follows:

12 As used in RCW 84.36.381 through 84.36.389, except where the
13 context clearly indicates a different meaning:

14 (1) The term "residence" shall mean a single family dwelling unit
15 whether such unit be separate or part of a multiunit dwelling,
16 including the land on which such dwelling stands not to exceed one
17 acre. The term shall also include a share ownership in a cooperative
18 housing association, corporation, or partnership if the person claiming
19 exemption can establish that his or her share represents the specific
20 unit or portion of such structure in which he or she resides. The term
21 shall also include a single family dwelling situated upon lands the fee
22 of which is vested in the United States or any instrumentality thereof
23 including an Indian tribe or in the state of Washington, and
24 notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a
25 residence shall be deemed real property.

26 (2) The term "real property" shall also include a mobile home which
27 has substantially lost its identity as a mobile unit by virtue of its
28 being fixed in location upon land owned or leased by the owner of the
29 mobile home and placed on a foundation (posts or blocks) with fixed
30 pipe, connections with sewer, water, or other utilities: PROVIDED,
31 That a mobile home located on land leased by the owner of the mobile
32 home shall be subject, for tax billing, payment, and collection
33 purposes, only to the personal property provisions of chapter 84.56 RCW
34 and RCW 84.60.040.

35 (3) "Department" shall mean the state department of revenue.

36 (4) "Combined disposable income" means the disposable income of the
37 person claiming the exemption, plus the disposable income of his or her
38 spouse, and the disposable income of each cotenant occupying the

1 residence for the assessment year, less amounts paid by the person
2 claiming the exemption or his or her spouse during the assessment year
3 for:

4 (a) Drugs supplied by prescription of a medical practitioner
5 authorized by the laws of this state or another jurisdiction to issue
6 prescriptions; and

7 (b) The treatment or care of either person received in the home or
8 in a nursing home.

9 (5) "Disposable income" means adjusted gross income as defined in
10 the federal internal revenue code, as amended prior to January 1, 1989,
11 or such subsequent date as the director may provide by rule consistent
12 with the purpose of this section, plus all of the following items to
13 the extent they are not included in or have been deducted from adjusted
14 gross income:

15 (a) Capital gains, other than nonrecognized gain on the sale of a
16 principal residence under section 1034 of the federal internal revenue
17 code, or gain excluded from income under section 121 of the federal
18 internal revenue code to the extent it is reinvested in a new principal
19 residence;

20 (b) Amounts deducted for loss;

21 (c) Amounts deducted for depreciation;

22 (d) Pension and annuity receipts;

23 (e) Military pay and benefits other than attendant-care and
24 medical-aid payments;

25 (f) Veterans benefits other than attendant-care and medical-aid
26 payments;

27 (g) Federal social security act and railroad retirement benefits;

28 (h) Dividend receipts; and

29 (i) Interest received on state and municipal bonds.

30 (6) "Cotenant" means a person who resides with the person claiming
31 the exemption and who has an ownership interest in the residence.

32 NEW SECTION. Sec. 3. Section 2 of this act shall take effect on
33 the effective date of chapter 8, Laws of 1994 sp.s. and shall apply to
34 taxes levied for collection in the following year, and thereafter.

1 NEW SECTION. **Sec. 4.** Section 1 of this act applies to taxes
2 levied in 1995 for collection in 1996, and thereafter.

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