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**SUBSTITUTE HOUSE BILL 2519**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Local Government (originally sponsored by Representatives McCaslin, Gregerson, Shea, Appleton, Tharinger, Peterson, McBride, Manweller, Stokesbary, Reykdal, Sells, Fitzgibbon, Springer, Kochmar, Orwall, Nealey, Pike, Van De Wege, and Stanford)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to nuisance abatement cost recovery for cities;  
2 adding a new section to chapter 35.21 RCW; and adding a new section  
3 to chapter 35A.21 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 35.21  
6 RCW to read as follows:

7 (1) A city or town that exercises its authority under chapter  
8 7.48 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable  
9 law to abate a nuisance which threatens health or safety must provide  
10 prior notice to the property owner that abatement is pending and a  
11 special assessment may be levied on the property for the expense of  
12 abatement. Such special assessment authority is supplemental to any  
13 existing authority of a city or town to levy an assessment or obtain  
14 a lien for costs of abatement. The notice must be sent by regular  
15 mail.

16 (2) A city or town that exercises its authority under chapter  
17 7.48 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable  
18 law to declare a nuisance, abate a nuisance, or impose fines or costs  
19 upon persons who create, continue, or maintain a nuisance may levy a  
20 special assessment on the land or premises where the nuisance is  
21 situated to reimburse the city or town for the expense of abatement.

1 A city or town must, before levying a special assessment, notify the  
2 property owner and any identifiable mortgage holder that a special  
3 assessment will be levied on the property and provide the estimated  
4 amount of the special assessment. The notice must be sent by regular  
5 mail.

6 (3) The special assessment authorized by this section constitutes  
7 a lien against the property, and is binding upon successors in title  
8 only from the date the lien is recorded in the county where the  
9 affected real property is located. Up to two thousand dollars of the  
10 recorded lien is of equal rank with state, county, and municipal  
11 taxes.

12 (4) A city or town levying a special assessment under this  
13 section may contract with the county treasurer to collect the special  
14 assessment in accordance with RCW 84.56.035.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21  
16 RCW to read as follows:

17 (1) A code city that exercises its authority under chapter 7.48  
18 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable law  
19 to abate a nuisance which threatens health or safety must provide  
20 prior notice to the property owner that abatement is pending and a  
21 special assessment may be levied on the property for the expense of  
22 abatement. Such special assessment authority is supplemental to any  
23 existing authority of a code city to levy an assessment or obtain a  
24 lien for costs of abatement. The notice must be sent by regular mail.

25 (2) A code city that exercises its authority under chapter 7.48  
26 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable law  
27 to declare a nuisance, abate a nuisance, or impose fines or costs  
28 upon persons who create, continue, or maintain a nuisance may levy a  
29 special assessment on the land or premises where the nuisance is  
30 situated to reimburse the code city for the expense of abatement. A  
31 code city must, before levying a special assessment, notify the  
32 property owner and any identifiable mortgage holder that a special  
33 assessment will be levied on the property and provide the estimated  
34 amount of the special assessment. The notice must be sent by regular  
35 mail.

36 (3) The special assessment authorized by this section constitutes  
37 a lien against the property, and is binding upon successors in title  
38 only from the date the lien is recorded in the county where the  
39 affected real property is located. Up to two thousand dollars of the

1 recorded lien is of equal rank with state, county, and municipal  
2 taxes.

3 (4) A code city levying a special assessment under this section  
4 may contract with the county treasurer to collect the special  
5 assessment in accordance with RCW 84.56.035.

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