
HOUSE BILL 2485

State of Washington**54th Legislature****1996 Regular Session**

By Representatives H. Sommers, Rust, Reams, Scheuerman, Regala, Kessler, Costa, Chopp, Murray, Conway, Valle, Tokuda, Basich, Wolfe, Patterson, Dellwo and Linville

Read first time 01/11/96. Referred to Committee on Government Operations.

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) The assessor shall revalue the property within sixty days of
12 the filing of a petition under this section. The assessor shall
13 determine a new assessed value for each tax year after the adoption of
14 the restriction. The assessor shall give notice of the assessed
15 valuation for each year, whether reduced or not, in the manner provided
16 in RCW 84.40.045. The assessor may not increase the assessed value for
17 any year under this section.

18 (3) The assessed valuation for any tax year after the adoption of
19 a restriction may be appealed under RCW 84.40.038.

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

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

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

10 (1) Paid more than once; or

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

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

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

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

18 (6) Paid under levies or statutes adjudicated to be illegal or
19 unconstitutional; or

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

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

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

31 (10) Paid on the basis of an assessed valuation which was appealed
32 to the state board of tax appeals and ordered reduced by the board:
33 PROVIDED, That the amount refunded under subsections (9) and (10) of
34 this section shall only be for the difference between the tax paid on
35 the basis of the appealed valuation and the tax payable on the
36 valuation adjusted in accordance with the board's order; or

37 (11) Paid as a state property tax levied upon property, the
38 assessed value of which has been established by the state board of tax

1 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount
2 refunded shall only be for the difference between the state property
3 tax paid and the amount of state property tax which would, when added
4 to all other property taxes within the one percent limitation of
5 Article VII, section 2 of the state Constitution equal one percent of
6 the assessed value established by the board;

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

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

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

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

28 The county treasurer of each county shall make all refunds
29 determined to be authorized by this section, and by the first Monday in
30 January of each year, report to the county legislative authority a list
31 of all refunds made under this section during the previous year. The
32 list is to include the name of the person receiving the refund, the
33 amount of the refund, and the reason for the refund.

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