

1 **SHB 1313 - H AMD 010 Ruled out of Scope & Object 2/6/91**

2 By Representatives Holland, Miller, Ballard, Wilson and May  
3 Holland  
4

5 On page 3, beginning on line 3, strike everything through line  
6 18 and insert:

7 "(5) (a) A person who otherwise qualifies under this section  
8 and has a combined disposable income of (~~eighteen~~) thirty  
9 thousand dollars or less shall be exempt from all excess property  
10 taxes; and

11 (b) (i) A person who otherwise qualifies under this section  
12 and has a combined disposable income of (~~fourteen~~) eighteen  
13 thousand dollars or less but greater than (~~twelve~~) fifteen  
14 thousand dollars shall be exempt from all regular property taxes on  
15 the greater of (~~twenty-four~~) thirty thousand dollars or thirty  
16 percent of the valuation of his or her residence, but not to exceed  
17 (~~forty~~) fifty thousand dollars of the valuation of his or her  
18 residence; or

19 (ii) A person who otherwise qualifies under this section and  
20 has a combined disposable income of (~~twelve~~) fifteen thousand  
21 dollars or less shall be exempt from all regular property taxes on  
22 the greater of (~~twenty-eight~~) thirty-four thousand dollars or  
23 fifty percent of the valuation of his or her residence.  
24

1           **Sec. 2.** RCW 84.36.383 and 1989 c 379 s 6 are each amended to  
2 read as follows:

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

5           (1) The term "residence" shall mean a single family dwelling  
6 unit whether such unit be separate or part of a multiunit dwelling,  
7 including the land on which such dwelling stands not to exceed one  
8 acre. The term shall also include a share ownership in a  
9 cooperative housing association, corporation, or partnership if the  
10 person claiming exemption can establish that his or her share  
11 represents the specific unit or portion of such structure in which  
12 he or she resides. The term shall also include a single family  
13 dwelling situated upon lands the fee of which is vested in the  
14 United States or any instrumentality thereof including an Indian  
15 tribe or in the state of Washington, and notwithstanding the  
16 provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a  
17 residence shall be deemed real property.

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

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

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

5           (5) "Combined disposable income" means the disposable income  
6 of the person claiming the exemption, plus the disposable income of  
7 his or her spouse, and the disposable income of each cotenant  
8 occupying the residence for the preceding calendar year, less  
9 amounts paid by the person claiming the exemption or his or her  
10 spouse during the previous year for the treatment or care of either  
11 person received in the home or in a nursing home.

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

18           (a) Capital gains;

19           (b) Amounts deducted for loss;

20           (c) Amounts deducted for depreciation;

21           (d) Pension and annuity receipts;

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

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

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

3 (h) Dividend receipts; and

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

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

8  
9 **Sec. 3.** RCW 84.38.020 and 1984 c 220 s 20 are each amended to  
10 read as follows:

11 Unless a different meaning is plainly required by the context,  
12 the following words and phrases as hereinafter used in this chapter  
13 shall have the following meanings:

14 (1) "Claimant" means a person who (~~is receiving a property~~  
15 ~~tax exemption under RCW 84.36.381 through 84.36.389 and who~~)  
16 either elects or is required under RCW 84.64.030 or 84.64.050 to  
17 defer payment of the special assessments and/or real property taxes  
18 accrued on ((his)) the claimant's residence by filing a declaration  
19 to defer as provided by this chapter.

20 When two or more individuals of a household file or seek to  
21 file a declaration to defer, they may determine between them as to  
22 who the claimant shall be.

23 (2) "Department" means the state department of revenue.

24 (3) "Equity value" means the amount by which the fair market  
25 value of a residence as determined from the records of the county

1 assessor exceeds the total amount of any liens or other obligations  
2 against the property.

3 (4) "Special assessment" means the charge or obligation  
4 imposed by a city, town, county, or other municipal corporation  
5 upon property specially benefited by a local improvement, including  
6 assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16,  
7 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

8 (5) "Real property taxes" means ad valorem property taxes  
9 levied on a residence in this state in the preceding calendar year.

10

11 **Sec. 4.** RCW 84.38.030 and 1988 c 222 s 11 are each amended to  
12 read as follows:

13 A claimant may defer payment of special assessments and/or  
14 real property taxes on ~~((his property that is receiving an  
15 exemption under RCW 84.36.381 through 84.36.389 on))~~ up to eighty  
16 percent of the amount of ~~((his))~~ the claimant's equity value in  
17 ~~((said property))~~ the claimant's residence if the following  
18 conditions are met:

19 (1) The claimant must meet all requirements for an exemption  
20 for the residence under RCW 84.36.381, other than the income  
21 limits.

22 (2) The claimant must have a combined disposable income, as  
23 defined in RCW 84.36.383, of thirty thousand dollars or less.

24 (3) The claimant must have owned, at the time of filing, the  
25 residence on which the special assessment and/or real property

1 taxes have been imposed. For purposes of this subsection, a  
2 residence owned by a marital community or owned by cotenants shall  
3 be deemed to be owned by each spouse or cotenant. A claimant who  
4 has only a share ownership in cooperative housing, a life estate,  
5 a lease for life, or a revocable trust does not satisfy the  
6 ownership requirement.

7 ~~((+2))~~ (4) The claimant must have and keep in force fire and  
8 casualty insurance in sufficient amount to protect the interest of  
9 the state in the claimant's equity value: PROVIDED, That if the  
10 claimant fails to keep fire and casualty insurance in force to the  
11 extent of the state's interest in the claimant's equity value, the  
12 amount deferred shall not exceed one hundred percent of the  
13 claimant's equity value in the land or lot only.

14 ~~((+3))~~ (5) In the case of special assessment deferral, the  
15 claimant must have opted for payment of such special assessments on  
16 the installment method if such method was available.

17  
18 NEW SECTION. Sec. 5. This act is necessary for the  
19 immediate preservation of the public peace, health, or safety, or  
20 support of the state government and its existing public  
21 institutions, and shall take effect immediately.

22  
23 NEW SECTION. Sec. 6. Sections 1 and 2 of this act shall be  
24 effective for taxes levied for collection in 1992 and thereafter.  
25 Sections 3 and 4 of this act shall be effective for taxes levied

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1 for collection in 1991 and thereafter."

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EFFECT: Increases income and assessed value thresholds for senior citizen program similar to HB 1299, except upper income limit is \$30,000 rather than \$22,000.