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SENATE BILL 5152

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Winsley

Read first time 01/15/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to the classification and valuation of multiple-  
2 unit buildings devoted primarily to low-income housing and of mobile  
3 home parks at current use value; reenacting and amending RCW 42.17.310;  
4 adding a new chapter to Title 84 RCW; and providing a contingent  
5 effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature hereby declares that:

8 (1) There is a shortage in the supply of decent, safe, and sanitary  
9 housing for persons of low income in this state. Far too many people  
10 live in overcrowded dwellings, in buildings that are not safe,  
11 sanitary, and protected from the elements, in temporary shelters, or  
12 even without a form of decent shelter.

13 (2) The shortage of safe, sanitary, decent housing for persons of  
14 low income harms the general health and safety. It deprives many  
15 persons of low income of proper shelter and protections from  
16 unreasonable risks of fire, crime, personal injury, and from  
17 overcrowded and deteriorated living conditions. It harms the general  
18 public by contributing to the use of storefronts, public parks, and

1 sidewalks as shelter by the homeless and by contributing to slums and  
2 blight in urban areas.

3 (3) Public agencies acting alone do not have sufficient resources  
4 to supply housing for persons of low income. Federal cutbacks have made  
5 it even more difficult for public agencies to respond to the dwindling  
6 supply of low-income housing. The assistance of private capital and  
7 free enterprise is essential to reduce the shortage of housing for  
8 persons of low income, and organizations and individuals should be  
9 encouraged to preserve and develop low-income housing.

10 (4) Mobile home parks are an important source of affordable  
11 housing, especially for low-income and elderly persons. Mobile home  
12 parks also provide a unique form of community living that allows  
13 elderly persons to live independently for as long as possible.

14 (5) Economic pressures have resulted in a dramatic increase in the  
15 number of mobile home parks being closed due to changes in land use by  
16 the landowner. Not only does this result in lost affordable housing,  
17 but mobile homes are difficult and expensive to move. Mobile  
18 homeowners find it difficult to locate spaces for mobile homes that  
19 must be relocated, especially for older mobile homes.

20 (6) Valuing and taxing property primarily devoted to mobile home  
21 parks or low-income housing at its current use will provide an economic  
22 incentive for preservation and development of mobile home parks and  
23 low-income housing and a disincentive to elimination of such housing  
24 for purely economic reasons. Such an incentive may delay the  
25 deterioration and demolition of existing low-income housing, or in the  
26 closure of mobile home parks, in higher density areas where competition  
27 from higher uses threatens this less competitive use, and it may  
28 encourage the development of additional low-income housing and mobile  
29 home parks.

30 (7) This chapter will implement an amendment to Article VII,  
31 section 11, of the Washington state Constitution submitted to the  
32 electorate of the state of Washington at the November 1993 general  
33 election.

34 NEW SECTION. **Sec. 2.** The definitions set forth in this section  
35 apply throughout this chapter unless the context clearly requires  
36 otherwise.

37 (1) "Assessor" means the county assessor or such agency or person  
38 who is authorized to act on behalf of the assessor.

1 (2) "County financial authority" and "financial authority" means  
2 the county treasurer or an agency or person charged with the  
3 responsibility for billing and collecting property taxes.

4 (3) "County recording authority" means the county auditor or an  
5 agency or person charged with the recording of documents.

6 (4) "Dwelling unit" means a structure other than a single-family  
7 home, or that part of a structure that is used as a home, residence, or  
8 sleeping place by one person or by two or more persons maintaining a  
9 common household, including but not limited to multiplexes and  
10 apartment buildings.

11 (5) "Devoted to low-income housing" means that the property is  
12 dedicated to housing for persons of low income at rents set below  
13 market rates.

14 (6) "Mobile home" means a mobile or manufactured home as defined in  
15 RCW 46.04.302.

16 (7) "Mobile home park" means real property that is rented or held  
17 out for rent to others for the placement of two or more mobile homes  
18 for the primary purpose of production of income, except where such real  
19 property is rented or held out for rent for seasonal recreational  
20 purpose only and is not intended for year-round occupancy.

21 (8) "Owner" means the party or parties with the fee ownership in  
22 the land, and the contract vendee where land is subject to a real  
23 estate contract.

24 (9) "Persons of low income" means one person, or two or more  
25 persons maintaining a common household, whose current income does not  
26 exceed fifty percent of the median income, adjusted by family size, for  
27 the area in which the building is located. Median income is measured  
28 by the most recent statistics published by the United States department  
29 of housing and urban development for counties within a standard  
30 metropolitan statistical area, and for other areas, by estimates  
31 prepared and filed by the state department of community development  
32 with the code reviser's office for publication in the Washington state  
33 register.

34 (10) "Rents set below market rates" means rents that are equal to  
35 or less than the greater of either:

36 (a) Set in accordance with an agreement with the United States  
37 department of housing and urban development or other federal agency, or  
38 a local housing authority, to carry out a government program to provide  
39 housing for persons of low income, and that do not exceed the fair

1 rental rate promulgated for such low-income housing by the United  
2 States or the housing authority; or

3 (b) Do not exceed fifteen percent of the median income, scaled by  
4 using the occupancy for the unit authorized by the local building code  
5 for family size, for the area in which the building is located.

6 (11) "Reviewing official" means the chief executive officer of a  
7 county, city, or town or a subordinate municipal officer designated by  
8 the chief executive officer for review of applications for  
9 classification pursuant to this chapter.

10 NEW SECTION. **Sec. 3.** Current use valuation as authorized by this  
11 chapter shall be available within each county only if the county  
12 legislative authority adopts an implementing ordinance or resolution.

13 NEW SECTION. **Sec. 4.** (1) Property occupied by a building that  
14 meets the following criteria may be classified in whole or in part as  
15 "devoted to low-income housing," and valued and taxed at its current  
16 use value unless disqualified under subsection (7) of this section:

17 (a) At least fifty percent of the rentable floor area of the  
18 building shall be dedicated to housing for persons of low income. The  
19 remainder of the building may be: (i) Committed to other uses, or (ii)  
20 vacant for up to six months, as long as the remainder does not impair  
21 the habitability of the units rented for housing to persons of low  
22 income;

23 (b) At least three dwelling units in the building must be dedicated  
24 to housing for persons of low income;

25 (c) The rents charged to persons of low income shall be set below  
26 market rates; and

27 (d) The building and the dwelling units dedicated to housing for  
28 persons of low income must comply with local health and safety  
29 standards.

30 (2) A classification of the real property occupied by a building  
31 devoted to low-income housing applies to the portion of the parcel  
32 dedicated to housing for persons of low income, including ancillary  
33 areas used for parking, lawn, garden, or landscaping, as required by  
34 local zoning and building ordinances.

35 (3) Property used for a mobile home park that meets the following  
36 criteria may be classified in whole or in part as "devoted to low-

1 income housing" and valued and taxed at its current use value unless  
2 disqualified under subsection (7) of this section:

3 (a) At least fifty percent of the mobile home park spaces shall be  
4 dedicated to persons of low income at all times for residential  
5 purposes by persons of low income. The remainder of the mobile home  
6 park may be: (i) Committed to other uses, or (ii) vacant for up to six  
7 months, as long as the remainder does not impair the habitability of  
8 the mobile home park spaces rented to persons of low income;

9 (b) At least three mobile home spaces in the mobile home park must  
10 be dedicated to housing for persons of low income;

11 (c) The rents charged to persons of low income shall be set below  
12 market rates for mobile home park spaces; and

13 (d) The mobile home park must comply with local health and safety  
14 standards.

15 (4) A classification of real property used for a mobile home park  
16 applies to the portion of the property dedicated to housing for persons  
17 of low income, including ancillary areas used for parking, lawn,  
18 garden, or landscaping, as required by local zoning and building  
19 ordinances.

20 (5) In the event that the property for which a classification under  
21 this section is applied for is used in part as other than either  
22 residential rental property or a mobile home park, only the portion of  
23 the property dedicated to housing for persons of low income or a mobile  
24 home park shall be eligible for classification under this chapter.

25 (6) An assessor may, for property tax purposes, segregate those  
26 portions of a property dedicated to housing for persons of low income.

27 (7) The following properties are not eligible for classification as  
28 property "devoted to low-income housing":

29 (a) Slums: (i) Property under a municipal or judicial order for  
30 abatement; (ii) property with a building that the local jurisdiction  
31 has found to violate applicable building, health, and safety standards  
32 and on which compliance has not been completed or satisfactory progress  
33 shown within sixty days after notice; or (iii) property that is  
34 repeatedly cited for a substantial violation of such local standards.

35 (b) Institutional housing: (i) Residential units that serve an  
36 institution, where payments for health care, education, or other  
37 institutional services are made by or for the occupants to the owner in  
38 addition to rent for the dwelling; (ii) privately-owned student  
39 housing, including fraternities and sororities; or (iii) resorts for

1 recreational purposes. This subsection (b) does not exclude from  
2 eligibility housing that is under contract to a governmental  
3 organization or private nonprofit health care organization and is  
4 devoted to persons of low income.

5 (c) Employee housing: Property used primarily for industrial,  
6 commercial, institutional, farm or agricultural purposes or as timber  
7 land in which the dwelling units identified as devoted to use by  
8 persons of low income are occupied by employees of the owner, contract  
9 workers for the owner, or relatives of the owner.

10 (d) A portion of the property that exceeds five acres; except that  
11 this requirement does not apply to mobile home parks.

12 NEW SECTION. **Sec. 5.** (1) Applications made on or before the last  
13 day of December shall be processed for classification in the year  
14 following application.

15 (2) Where practical, applications shall be made upon forms prepared  
16 by the state department of revenue and supplied by the assessor. A  
17 document that contains the essential information requested by the state  
18 form shall be processed as an application if the approved forms are not  
19 available. The application shall contain a verification or statement  
20 under penalty of perjury that the information supplied is true and  
21 correct. The application shall require the applicant to inform the  
22 assessor if there is a change in circumstances that would affect the  
23 continuing eligibility of the property for classification under this  
24 chapter. The assessor shall provide reasonable assistance to  
25 applicants in completing the form.

26 (3) If the property lies in an incorporated area, the assessor  
27 shall send a copy of the application to the chief executive officer of  
28 the city or town or to a subordinate municipal officer designated by  
29 the chief executive officer for review. If the property lies in an  
30 unincorporated area, the assessor shall transmit a copy of the  
31 application for review to the official who administers the county  
32 building codes unless the county legislative authority designates  
33 another official. If a municipal boundary bisects property that is the  
34 subject of an application, officials of each affected municipality  
35 shall receive a copy of the application. Before a reviewing official  
36 recommends denial of an application, the reviewer shall inform the  
37 owner of the proposed denial and allow the owner an opportunity to  
38 submit additional information.

1 (4) The classification established under this chapter shall be in  
2 effect for taxes payable for the year following the year in which a  
3 classification is made by and for each subsequent year until (a)  
4 withdrawn by the owner or (b) found ineligible by the assessor.

5 (5) The city, town, or county may require a reasonable application  
6 fee, including the costs necessary to record the document. Except for  
7 recording costs, the application fee shall be nonrefundable. The fee  
8 shall accompany the application.

9 (6) An assessor may delegate the performance of any or all of the  
10 activities specified by this chapter to a reviewing official of the  
11 jurisdiction in which the property is located.

12 NEW SECTION. **Sec. 6.** (1) Upon receipt of an application from the  
13 assessor, a reviewing official may contact the applicant, examine  
14 documents and records, interview occupants, and enter and inspect the  
15 real property during reasonable business hours to determine compliance  
16 with the requirements of this chapter. However, nothing in this  
17 section shall be construed to authorize an entry by a reviewing  
18 official into a mobile home sited in a mobile home park classified  
19 under this chapter unless the owner of such home grants permission.  
20 The reviewing official shall, within forty-five days of receipt of the  
21 application from the assessor, file with the assessor a report that  
22 states whether the property qualifies for classification under this  
23 chapter: PROVIDED, That upon notice to the assessor, the reviewing  
24 official may take such additional time as may be needed on account of  
25 delays in securing information from an applicant. An application that  
26 is returned to the assessor by the reviewing official later than  
27 December 31 of the year in which it is submitted, and that is  
28 subsequently approved, shall be treated as approved in the calendar  
29 year in that it is returned: PROVIDED, That an application submitted  
30 to the assessor fewer than forty-five days prior to December 31, and  
31 that is subsequently approved within the forty-five day period, shall  
32 be treated as approved in the calendar year in which it is submitted  
33 for classification the year following approval.

34 (2) The assessor shall grant the classification if the report of  
35 the reviewing official recommends approval of the application and shall  
36 deny the application if the report recommends denial.

37 (3) If no timely report is submitted by a reviewing official, the  
38 reviewing official shall inform the applicant. An applicant may then

1 apply to the county board of equalization for relief. The board may  
2 order: The classification granted; the classification granted unless  
3 the reviewing official shows cause for a denial by a date contained in  
4 the order; or denial of the application on the record already made.

5 (4) Property classified as a mobile home park or classified as  
6 "devoted to low-income housing" shall be so designated on the  
7 assessment roll and notice of that classification shall be given on the  
8 notice of assessed value change sent to the taxpayer. The assessor  
9 shall also maintain on the assessment rolls the true and fair value of  
10 the property.

11 NEW SECTION. **Sec. 7.** For the purposes of property tax the value  
12 of the real property classified as a mobile home park or classified as  
13 "devoted to low-income housing" shall be the lesser of its value based  
14 on its current use and its true and fair value. In computing its value  
15 based on its current use, the assessor shall disregard potential uses  
16 that might return a higher income, rents that might be charged were the  
17 owner to maximize returns, and values of the property that suppose  
18 either the land or the improvements were unencumbered by classification  
19 under this chapter.

20 NEW SECTION. **Sec. 8.** To be sure the property continues to be  
21 eligible for classification, an assessor may require the owner to  
22 certify information about the building's occupancy by persons of low  
23 income, and the rents paid, the continued use of a mobile home park as  
24 a mobile home park, or other information pertinent to the continuation  
25 of this classification.

26 NEW SECTION. **Sec. 9.** Once real property has been classified under  
27 this chapter, it shall remain under such classification and shall not  
28 be applied to other use for at least ten years from the date of  
29 classification and shall continue under such classification until and  
30 unless withdrawn from classification after notice of request for  
31 withdrawal shall be made by the owner. During any year after eight  
32 years of the initial ten-year classification period have elapsed,  
33 notice of request for withdrawal of all or a portion of the land, which  
34 request shall be irrevocable, may be given by the owner to the  
35 assessor. If a portion of a parcel is removed from classification, the  
36 remaining portion must meet the same requirements as did the entire



1 parcel when the real property was originally granted classification  
2 pursuant to this chapter. Within seven days the assessor shall  
3 transmit one copy of such notice to the reviewing official who  
4 originally approved the application. The assessor or assessors, as the  
5 case may be, shall, when two assessment years have elapsed following  
6 the date of receipt of the notice, withdraw the real property from such  
7 classification and the real property shall be subject to the additional  
8 tax due under section 13 of this act. Classification according to this  
9 chapter shall not be considered to be a contract and can be abrogated  
10 at any time by the legislature, in which event no additional tax or  
11 penalty may be imposed.

12 NEW SECTION. **Sec. 10.** If real property has been classified under  
13 this chapter, except through compliance with section 9 of this act, or  
14 except as a result solely from any one of the conditions listed in  
15 section 13(5) of this act, the owner shall within sixty days notify the  
16 assessor of a change in use, and additional property tax shall be  
17 imposed upon the property in an amount equal to the sum of the  
18 following:

19 (1) The total amount of the additional tax due under section 13 of  
20 this act; plus

21 (2) A penalty amounting to twenty percent of the amount determined  
22 under subsection (1) of this section.

23 A person who has information that the property no longer qualifies  
24 for the classification may supply the information to the assessor.  
25 Upon receipt of the information, the assessor shall promptly refer the  
26 matter to the reviewing official for a report and recommendation on  
27 whether the property should be removed from classification.

28 NEW SECTION. **Sec. 11.** The additional tax and penalties, if any,  
29 provided by section 10 of this act shall be extended on the tax roll  
30 and shall be, together with the interest thereon, a lien on the  
31 property to which the tax applies as of January 1st of the year for  
32 which the additional tax is imposed. The lien has priority as provided  
33 in chapter 84.60 RCW. For purposes of all periods of limitation of  
34 actions specified in this title, the year in which the tax became  
35 payable shall be as specified in section 12 of this act.

1        NEW SECTION.    **Sec. 12.**    The additional tax, penalties, and interest  
2 provided by section 10 of this act shall be paid in full thirty days  
3 after the date that the county financial authority's statement therefor  
4 is rendered.    The county financial authority shall distribute the  
5 additional taxes, interest, and penalties in the same manner in which  
6 current taxes applicable to the subject land are distributed.

7        NEW SECTION.    **Sec. 13.**    (1) If real property has once been  
8 classified under this chapter, a notation of the classification shall  
9 be made each year upon the assessment and tax rolls, and the real  
10 property shall be valued under to this chapter until removal of all or  
11 a portion of the classification by the assessor upon occurrence of any  
12 of the following:

13        (a) Receipt of notice from the owner to remove all or a portion of  
14 the designation;

15        (b) Sale or transfer to an ownership making all or a portion of the  
16 real property exempt from ad valorem taxation;

17        (c) Sale or transfer of all or a portion of the real property to a  
18 new owner, unless the new owner has signed a notice of classification  
19 continuance.    If the notice of continuance is not signed by the new  
20 owner, all additional taxes calculated under subsection (3) of this  
21 section shall become due and payable by the seller or transferor at  
22 time of sale.    The county recording authority shall not accept an  
23 instrument of conveyance of classified real property for filing or  
24 recording unless the new owner has signed the notice of continuance or  
25 the additional tax has been paid;

26        (d) Determination by the reviewing official, after giving the owner  
27 written notice and an opportunity to be heard, that all or a portion of  
28 the real property is no longer primarily devoted to and used for the  
29 purposes under which it was granted classification.

30        (2) Within thirty days after the removal of all or a portion of the  
31 real property from classification, the assessor shall notify the owner  
32 in writing, setting forth the reasons for the removal.    Within thirty  
33 days of mailing the notice of removal, the seller, transferor, or owner  
34 may appeal the removal to the county board of equalization.

35        (3) Both the assessed valuation before and after the removal of  
36 classification shall be listed and taxes shall be allocated according  
37 to that part of the year to which each assessed valuation applies.  
38 Except as provided in subsection (5) of this section, an additional tax

1 shall be imposed that is due and payable to the county financial  
2 authority thirty days after the owner is notified of the amount of the  
3 additional tax. As soon as possible, the assessor shall compute the  
4 amount of such an additional tax and the county financial authority  
5 shall mail notice to the owner of the amount thereof and the date on  
6 which payment is due. The amount of the additional tax shall be equal  
7 to:

8 (a) The difference between the property tax paid as property  
9 classified under this chapter and the amount of property tax otherwise  
10 due and payable for the seven years last past had the real property not  
11 been so classified; plus

12 (b) Interest upon the amounts of the additional tax paid at the  
13 same statutory rate charged on delinquent property taxes from the dates  
14 on which the additional tax could have been paid without penalty if the  
15 real property had been assessed at a value without regard to this  
16 chapter.

17 (4) Additional tax, together with applicable interest thereon,  
18 becomes a lien on the real property, which lien attaches at the time  
19 the real property is removed from current use classification under this  
20 chapter. The lien has priority to and shall be fully paid and  
21 satisfied before any recognizance, mortgage, judgment, debt,  
22 obligation, or responsibility to or with which the land may become  
23 charged or liable. The lien may be foreclosed upon expiration of the  
24 same period after delinquency and in the same manner provided by law  
25 for foreclosure of liens for delinquent real property taxes as provided  
26 in RCW 84.64.050. Any additional tax unpaid on its due date is  
27 delinquent. From the date of delinquency until paid, interest shall be  
28 charged at the same rate applied by law to delinquent ad valorem  
29 property taxes.

30 (5) The additional tax specified in subsection (3) of this section  
31 shall not be imposed if the removal of designation pursuant to  
32 subsection (1) of this section resulted solely from:

33 (a) A taking under exercise of the power of eminent domain or a  
34 transfer to a condemning authority under threat of an exercise of the  
35 power of eminent domain;

36 (b) A transfer to a use that is exempt from property taxes;

37 (c) A change in the law or land use regulations that precludes use  
38 of the property for low-income housing or as a mobile home park;

1 (d) Destruction of the property, or such severe damage as to render  
2 the premises untenable, through a natural disaster, such as flood,  
3 landslide, or earthquake, or a calamity beyond the owner's control,  
4 such as fire.

5 NEW SECTION. **Sec. 14.** An aggrieved owner, the local government  
6 agency approving the application, the assessor, and the department of  
7 revenue may appeal an action granting or denying a classification  
8 pursuant to this chapter to the county board of equalization. The  
9 appeal shall be filed within thirty days of the granting or denial of  
10 the classification by serving a copy upon the reviewing officer and the  
11 county board of equalization. The appeal shall be processed in the  
12 same manner as appeals from property valuations.

13 NEW SECTION. **Sec. 15.** The department of revenue shall adopt rules  
14 to implement this chapter.

15 NEW SECTION. **Sec. 16.** The department of community development  
16 shall prepare and publish, within sixty days of the date the department  
17 of housing and urban development publishes or no later than December  
18 31st of each year, the data on median incomes necessary to implement  
19 this chapter. The department may make its estimates for areas outside  
20 federal standard metropolitan statistical areas on the basis of the  
21 nearest area with such data.

22 NEW SECTION. **Sec. 17.** This chapter shall be liberally construed  
23 to accomplish its purposes. This chapter shall also be interpreted as  
24 granting reviewing officials designated by a city or county the  
25 authority to carry out the functions contemplated by this chapter.

26 NEW SECTION. **Sec. 18.** If any provision of this chapter or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the chapter or the application of the provision to other  
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act shall  
31 constitute a new chapter in Title 84 RCW.

1       **Sec. 20.** RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are  
2 each reenacted and amended to read as follows:

3       (1) The following are exempt from public inspection and copying:

4       (a) Personal information in any files maintained for students in  
5 public schools, patients or clients of public institutions or public  
6 health agencies, or welfare recipients.

7       (b) Personal information in files maintained for employees,  
8 appointees, or elected officials of any public agency to the extent  
9 that disclosure would violate their right to privacy.

10       (c) Information required of any taxpayer in connection with the  
11 assessment or collection of any tax if the disclosure of the  
12 information to other persons would (i) be prohibited to such persons by  
13 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
14 in unfair competitive disadvantage to the taxpayer.

15       (d) Specific intelligence information and specific investigative  
16 records compiled by investigative, law enforcement, and penology  
17 agencies, and state agencies vested with the responsibility to  
18 discipline members of any profession, the nondisclosure of which is  
19 essential to effective law enforcement or for the protection of any  
20 person's right to privacy.

21       (e) Information revealing the identity of persons who are witnesses  
22 to or victims of crime or who file complaints with investigative, law  
23 enforcement, or penology agencies, other than the public disclosure  
24 commission, if disclosure would endanger any person's life, physical  
25 safety, or property. If at the time a complaint is filed the  
26 complainant, victim or witness indicates a desire for disclosure or  
27 nondisclosure, such desire shall govern. However, all complaints filed  
28 with the public disclosure commission about any elected official or  
29 candidate for public office must be made in writing and signed by the  
30 complainant under oath.

31       (f) Test questions, scoring keys, and other examination data used  
32 to administer a license, employment, or academic examination.

33       (g) Except as provided by chapter 8.26 RCW, the contents of real  
34 estate appraisals, made for or by any agency relative to the  
35 acquisition or sale of property, until the project or prospective sale  
36 is abandoned or until such time as all of the property has been  
37 acquired or the property to which the sale appraisal relates is sold,  
38 but in no event shall disclosure be denied for more than three years  
39 after the appraisal.

1 (h) Valuable formulae, designs, drawings, and research data  
2 obtained by any agency within five years of the request for disclosure  
3 when disclosure would produce private gain and public loss.

4 (i) Preliminary drafts, notes, recommendations, and intra-agency  
5 memorandums in which opinions are expressed or policies formulated or  
6 recommended except that a specific record shall not be exempt when  
7 publicly cited by an agency in connection with any agency action.

8 (j) Records which are relevant to a controversy to which an agency  
9 is a party but which records would not be available to another party  
10 under the rules of pretrial discovery for causes pending in the  
11 superior courts.

12 (k) Records, maps, or other information identifying the location of  
13 archaeological sites in order to avoid the looting or depredation of  
14 such sites.

15 (l) Any library record, the primary purpose of which is to maintain  
16 control of library materials, or to gain access to information, which  
17 discloses or could be used to disclose the identity of a library user.

18 (m) Financial information supplied by or on behalf of a person,  
19 firm, or corporation for the purpose of qualifying to submit a bid or  
20 proposal for (a) a ferry system construction or repair contract as  
21 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
22 or improvement as required by RCW 47.28.070.

23 (n) Railroad company contracts filed prior to July 28, 1991, with  
24 the utilities and transportation commission under RCW 81.34.070, except  
25 that the summaries of the contracts are open to public inspection and  
26 copying as otherwise provided by this chapter.

27 (o) Financial and commercial information and records supplied by  
28 private persons pertaining to export services provided pursuant to  
29 chapter 43.163 RCW and chapter 53.31 RCW.

30 (p) Financial disclosures filed by private vocational schools under  
31 chapter 28C.10 RCW.

32 (q) Records filed with the utilities and transportation commission  
33 or attorney general under RCW 80.04.095 that a court has determined are  
34 confidential under RCW 80.04.095.

35 (r) Financial and commercial information and records supplied by  
36 businesses during application for loans or program services provided by  
37 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

38 (s) Membership lists or lists of members or owners of interests of  
39 units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities  
2 affiliated with such projects, regulated by the department of  
3 licensing, in the files or possession of the department.

4 (t) All applications for public employment, including the names of  
5 applicants, resumes, and other related materials submitted with respect  
6 to an applicant.

7 (u) The residential addresses and residential telephone numbers of  
8 employees or volunteers of a public agency which are held by the agency  
9 in personnel records, employment or volunteer rosters, or mailing lists  
10 of employees or volunteers.

11 (v) The residential addresses and residential telephone numbers of  
12 the customers of a public utility contained in the records or lists  
13 held by the public utility of which they are customers.

14 (w) Information obtained by the board of pharmacy as provided in  
15 RCW 69.45.090.

16 (x) Information obtained by the board of pharmacy or the department  
17 of health and its representatives as provided in RCW 69.41.044,  
18 69.41.280, and 18.64.420.

19 (y) Financial information, business plans, examination reports, and  
20 any information produced or obtained in evaluating or examining a  
21 business and industrial development corporation organized or seeking  
22 certification under chapter 31.24 RCW.

23 (z) Financial and commercial information supplied to the state  
24 investment board by any person when the information relates to the  
25 investment of public trust or retirement funds and when disclosure  
26 would result in loss to such funds or in private loss to the providers  
27 of this information.

28 (aa) Financial and valuable trade information under RCW 51.36.120.

29 (bb) Client records maintained by an agency that is a domestic  
30 violence program as defined in RCW 70.123.020 or a rape crisis center  
31 as defined in RCW 70.125.030.

32 (cc) Information that identifies a person who, while an agency  
33 employee: (i) Seeks advice, under an informal process established by  
34 the employing agency, in order to ascertain his or her rights in  
35 connection with a possible unfair practice under chapter 49.60 RCW  
36 against the person; and (ii) requests his or her identity or any  
37 identifying information not be disclosed.

38 (dd) Business related information protected from public inspection  
39 and copying under RCW 15.86.110.

1        (ee) Financial information contained in applications and tenant  
2 information for the current use valuation granted by chapter 84.-- RCW  
3 (sections 1 through 18 of this act).

4        (2) Except for information described in subsection (1)(c)(i) of  
5 this section and confidential income data exempted from public  
6 inspection pursuant to RCW 84.40.020, the exemptions of this section  
7 are inapplicable to the extent that information, the disclosure of  
8 which would violate personal privacy or vital governmental interests,  
9 can be deleted from the specific records sought. No exemption may be  
10 construed to permit the nondisclosure of statistical information not  
11 descriptive of any readily identifiable person or persons.

12        (3) Inspection or copying of any specific records exempt under the  
13 provisions of this section may be permitted if the superior court in  
14 the county in which the record is maintained finds, after a hearing  
15 with notice thereof to every person in interest and the agency, that  
16 the exemption of such records is clearly unnecessary to protect any  
17 individual's right of privacy or any vital governmental function.

18        (4) Agency responses refusing, in whole or in part, inspection of  
19 any public record shall include a statement of the specific exemption  
20 authorizing the withholding of the record (or part) and a brief  
21 explanation of how the exemption applies to the record withheld.

22        NEW SECTION.    **Sec. 21.**    This act shall take effect upon the  
23 effective date of an amendment to Article VII, section 11 of the  
24 Washington state Constitution to authorize current use valuation of  
25 property used as a mobile home park or property with buildings that  
26 meet applicable building, health, and safety codes and comply with  
27 provisions of sections 1 through 18 of this act. If such amendment is  
28 not validly submitted to and approved by the voters at the November  
29 1993 general election, this act shall be null and void in its entirety.

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