

2 SHB 1673 - S Amd 385
3 By Senators Spanel and Rinehart

4 ADOPTED 4/14/95

5 On page 1, strike everything after the enacting clause and insert
6 the following:

7 "Sec. 1. RCW 84.38.020 and 1991 c 213 s 1 are each amended to read
8 as follows:

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

12 (1) "Claimant" means a person who either elects or is required
13 under RCW ((84.64.030 or)) 84.64.050 to defer payment of the special
14 assessments and/or real property taxes accrued on the claimant's
15 residence by filing a declaration to defer as provided by this chapter.

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

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

20 (3) "Equity value" means the amount by which the fair market value
21 of a residence as determined from the records of the county assessor
22 exceeds the total amount of any liens or other obligations against the
23 property.

24 (4) "Real property taxes" means ad valorem property taxes levied on
25 a residence in this state in the preceding calendar year.

26 (5) "Residence" has the meaning given in RCW 84.36.383, except that
27 a residence includes any additional property up to a total of five
28 acres that comprises the residential parcel if this larger parcel size
29 is required under land use regulations.

30 (6) "Special assessment" means the charge or obligation imposed by
31 a city, town, county, or other municipal corporation upon property
32 specially benefited by a local improvement, including assessments under
33 chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and
34 87.03 RCW and any other relevant chapter.

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

1 **Sec. 2.** RCW 84.38.030 and 1991 c 213 s 2 are each amended to read
2 as follows:

3 A claimant may defer payment of special assessments and/or real
4 property taxes on up to eighty percent of the amount of the claimant's
5 equity value in the claimant's residence if the following conditions
6 are met:

7 (1) The claimant must meet all requirements for an exemption for
8 the residence under RCW 84.36.381, other than the age and income limits
9 under RCW 84.36.381 and the parcel size limit under RCW 84.36.383.

10 (2) The claimant must be sixty years of age or older on December 31st
11 of the year in which the deferral claim is filed, or must have been, at
12 the time of filing, retired from regular gainful employment by reason
13 of physical disability: PROVIDED, That any surviving spouse of a
14 person who was receiving a deferral at the time of the person's death
15 shall qualify if the surviving spouse is fifty-seven years of age or
16 older and otherwise meets the requirements of this section.

17 (3) The claimant must have a combined disposable income, as defined
18 in RCW 84.36.383, of ~~((thirty))~~ thirty-four thousand dollars or less.

19 ~~((+3))~~ (4) The claimant must have owned, at the time of filing,
20 the residence on which the special assessment and/or real property
21 taxes have been imposed. For purposes of this subsection, a residence
22 owned by a marital community or owned by cotenants shall be deemed to
23 be owned by each spouse or cotenant. A claimant who has only a share
24 ownership in cooperative housing, a life estate, a lease for life, or
25 a revocable trust does not satisfy the ownership requirement.

26 ~~((+4))~~ (5) The claimant must have and keep in force fire and
27 casualty insurance in sufficient amount to protect the interest of the
28 state in the claimant's equity value: PROVIDED, That if the claimant
29 fails to keep fire and casualty insurance in force to the extent of the
30 state's interest in the claimant's equity value, the amount deferred
31 shall not exceed one hundred percent of the claimant's equity value in
32 the land or lot only.

33 ~~((+5))~~ (6) In the case of special assessment deferral, the
34 claimant must have opted for payment of such special assessments on the
35 installment method if such method was available."

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4 On page 1, line 2 of the title, after "disability;" strike the
5 remainder of the title and insert "and amending RCW 84.38.020 and
6 84.38.030."

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