

HB 1367 - H AMD 707

By Representative Takko

ADOPTED 02/13/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
4 to read as follows:

5 (1) A city or town that exercises its authority under chapter 7.48
6 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable law to
7 abate a nuisance must provide prior notice to the property owner that
8 abatement is pending and a special assessment may be levied on the
9 property for the expense of abatement. The notice must be sent by
10 regular mail.

11 (2) A city or town that exercises its authority under chapter 7.48
12 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable law to
13 declare a nuisance, abate a nuisance, or impose fines or costs upon
14 persons who create, continue, or maintain a nuisance may levy a special
15 assessment on the land or premises where the nuisance is situated to
16 reimburse the city or town for the expense of abatement. A city or
17 town must, before levying a special assessment, notify the property
18 owner and any identifiable mortgage holder that a special assessment
19 will be levied on the property and the amount of the special
20 assessment. The notice must be sent by regular mail.

21 (3) The special assessment authorized by this section constitutes
22 a lien against the property and is of equal rank with state, county,
23 and municipal taxes.

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

26 (1) A city that exercises its authority under chapter 7.48 RCW or
27 other applicable law to abate a nuisance must provide prior notice to
28 the property owner that abatement is pending and a special assessment

1 may be levied on the property for the expense of abatement. The notice
2 must be sent by regular mail.

3 (2) A city that exercises its authority under chapter 7.48 RCW or
4 other applicable law to declare a nuisance, abate a nuisance, or impose
5 fines or costs upon persons who create, continue, or maintain a
6 nuisance may levy a special assessment on the land or premises where
7 the nuisance is situated to reimburse the city for the expense of
8 abatement. A city must, before levying a special assessment, notify
9 the property owner and any identifiable mortgage holder that a special
10 assessment will be levied on the property and the amount of the special
11 assessment. The notice must be sent by regular mail.

12 (3) The special assessment authorized by this section constitutes
13 a lien against the property and is of equal rank with state, county,
14 and municipal taxes."

15 Correct the title.

EFFECT: (1) Creates a requirement that all cities or towns must
provide notice: (a) Before abating a nuisance, to a property owner
that an abatement is pending and a special assessment may be levied on
the property; and (b) before levying a special assessment, to the
property owner and any identifiable mortgage holder that a special
assessment will be levied on the property and the amount of the special
assessment.

(2) Removes provisions in the underlying bill that grant new
authority to cities and towns to declare a nuisance, abate a nuisance,
or impose fines or costs upon persons who create, continue, or maintain
a nuisance, and instead notes that cities and towns have such powers
under existing statute and other applicable law.

(3) Specifies that cities and towns exercising existing powers,
rather than new powers, related to nuisance and abatement are being
granted authority to levy a special assessment for the expenses of
abatement.

(4) Specifies that the special assessment is only to reimburse the
city or town for the expense of abatement and not also to defray costs.

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