

# SENATE BILL REPORT

## ESSB 5694

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As Passed Senate, February 11, 2016

**Title:** An act relating to assessments for nuisance abatement in cities and towns.

**Brief Description:** Allowing assessments for nuisance abatement in cities and towns.

**Sponsors:** Senate Committee on Government Operations & Security (originally sponsored by Senators Padden, Baumgartner and Billig).

**Brief History:**

**Committee Activity:** Government Operations & Security: 2/09/15, 2/12/15 [DPS].  
Passed Senate: 3/10/15, 40-9; 2/11/16, 48-0.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Majority Report:** That Substitute Senate Bill No. 5694 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Liias, Ranking Minority Member; McCoy.

**Staff:** Alex Kearns (786-7416)

**Background:** Cities and towns currently have various authorities that authorize them to declare a nuisance, to abate the nuisance, and to impose fines or assessments. For example a city or town may require the owner of any property to remove the following:

- vegetation that obstructs a sidewalk or street; and
- debris that is a fire hazard or menace to public health, safety, or welfare.

In these situations, the city or town can remove the vegetation or hazard, which becomes a charge against the owner and a lien against the property.

Counties have similar authority, but may levy special assessments on property to recover their nuisance abatement costs. Statute specifies that such an assessment is of equal rank with state and local tax liens.

**Summary of Engrossed Substitute Bill:** A city or town may levy a special assessment on land where a nuisance is located. The purpose of the special assessment is to reimburse the city or town for abatement expenses. In these situations, the special assessment becomes a

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lien against the property and up to \$2,000 of that lien is of equal rank with state and local tax liens. Such a lien is binding upon successors in title from the date the lien is recorded in the county where the property is located. The city or town may contract with the county treasurer to collect the special assessment.

To impose the special assessment:

- the nuisance must threaten health or safety;
- the city or town must provide notice by mail to the property owner prior to abatement; and
- the city or town must notify the property owner and identifiable mortgage holder that a special assessment will be levied, and provide an estimated assessment amount.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: Dealing with nuisances is difficult for cities and should be paid for by the property owner in question, not the taxpayer. This bill is improved from last year by capping the assessment amount at \$5,000 and limiting it to health and safety situations.

CON: While the needs of the city are understood, community banks have an interest in their liens and local governments should not be able to jump them in priority. The changes in the bill from last year are appreciated.

**Persons Testifying on Original Bill:** PRO: Senator Padden, prime sponsor; Rod Higgins, Spokane Valley Council; Carey Driskell, Spokane Valley City Attorney.

CON: Brad Tower, Community Bankers of WA, United Financial Lobby.