

HOUSE BILL REPORT

SHB 1967

As Amended by the Senate

Title: An act relating to property tax exemptions for nonprofits.

Brief Description: Concerning property tax exemptions for nonprofits.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Steele, Riccelli, Berry, Lekanoff, Santos and Duerr).

Brief History:

Committee Activity:

Finance: 1/27/22, 2/1/22 [DP];

Appropriations: 2/5/22, 2/7/22 [DPS].

Floor Activity:

Passed House: 2/12/22, 98-0.

Senate Amended.

Passed Senate: 3/4/22, 48-0.

Brief Summary of Substitute Bill

- Allows public meeting halls and churches that are property tax exempt to conduct qualifying farmers markets without losing the property tax exemption.

HOUSE COMMITTEE ON FINANCE

Majority Report: Do pass. Signed by 17 members: Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase, Chopp, Harris-Talley, Morgan, Orwall, Ramel, Springer, Stokesbary, Thai, Vick, Wylie and Young.

Staff: Rachelle Harris (786-7137).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Dawn Eychaner (786-7135).

Background:

Property Tax Exemptions for Nonprofits.

All real and personal property is subject to a tax each year based on the highest and best use, unless a specific exemption is provided by law. Some nonprofits are eligible for a property tax exemption, which is dependent on specifically identified qualifying activities being conducted on the property. Examples of organizations that may receive a property tax exemption for their property are schools, churches, cemeteries, hospitals, social service agencies, character building organizations, nursing homes, homes for the aging, museums, performing arts facilities, and public meeting halls.

Nonprofit organizations seeking an exemption for their property based on qualifying activities may not use the exempt property for business purposes for more than 15 days each year. The nonprofit is also restricted to loaning or renting the property to individuals or organizations for non-exempt purposes for no more than 50 days per year.

For public meeting halls that are owned by a nonprofit to qualify for an exemption, the property must be used for public gatherings and be available to all organizations or individuals that desire to use the property. Membership may not be a prerequisite for the use of the property. The use of the property for business activities may disqualify the property for the exemption.

Churches are eligible for a property tax exemption if they conduct activities that are wholly used for church purposes and the land does not exceed five acres.

For property taxes levied for collection from 2011 through 2020, a provision existed to allow churches and public assembly halls to host farmers markets for an additional 53 days a year without losing a property tax exemption. That provision expired on December 31, 2020.

Tax Preference Performance Statements and Expiration.

Legislation that establishes or expands a tax preference must include a Tax Preference Performance Statement (TPPS) that identifies the public policy objective of the preference, as well as specific metrics that the Joint Legislative Audit and Review Committee can use to evaluate the effectiveness of the preference. All new tax preferences automatically expire after 10 years unless an alternative expiration date is provided.

Summary of Substitute Bill:

Public meeting halls and churches owned by a nonprofit may use their exempted property to conduct a qualifying farmers market for more than 53 days each year. The rental income or donations, if any, must be reasonable and may not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented.

By December 31, 2022, the Department of Revenue must convene a work group to identify and categorize nonprofits in the state that do not benefit from the current structure of property tax exemptions for nonprofits and those that find the current structure administratively cumbersome. Findings must be reported back to the Legislature by January 9, 2023.

The bill is exempt from a TPPS and does not expire.

EFFECT OF SENATE AMENDMENT(S):

The bill as amended by the Senate changed the application of the exemption to be both retroactive and prospective, beginning with taxes levied for collection in 2021.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Finance):

(In support) Local farmers markets sometimes end up switching between multiple properties so they don't lose their tax exempt status. The work group required to be convened by this bill to examine nonprofit exemptions is needed.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Local farmers markets have to move from one community location to another

in the same week to avoid losing property tax exemptions. This bill will address that issue.

(Opposed) None.

Persons Testifying (Finance): Representative Mike Steele, prime sponsor.

Persons Testifying (Appropriations): Representative Mike Steele, prime sponsor.

Persons Signed In To Testify But Not Testifying (Finance): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.