
ENGROSSED HOUSE BILL 1271

State of Washington

67th Legislature

2021 Regular Session

By Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet, and Harris-Talley

Read first time 01/19/21. Referred to Committee on Local Government.

1 AN ACT Relating to ensuring continuity of operations in the
2 offices of county elected officials during the current COVID-19
3 pandemic and future public health crises; amending RCW 2.32.050,
4 84.41.041, 38.52.040, 70.54.430, 43.09.230, 65.04.140, 46.20.118,
5 6.21.030, 6.21.040, 6.21.050, 6.21.090, 6.21.100, and 84.56.020;
6 reenacting and amending RCW 6.01.060; creating a new section; and
7 providing an effective date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that the ability of
10 county elected officials to fulfill their statutory responsibilities
11 through continued conduct of essential functions and services during
12 the current COVID-19 pandemic and potential future public health
13 crises requires updating, and at times temporary waiver, of these
14 requirements in statute. The legislature intends to update the manner
15 in which services may be provided; maintaining access and
16 opportunity. In addition, the legislature intends to clarify the
17 conditions under which waiver or suspension of specific statutes may
18 be assumed by county elected officials in order to eliminate
19 temporary barriers to continuity of operations.

1 **Sec. 2.** RCW 2.32.050 and 2017 c 183 s 1 are each amended to read
2 as follows:

3 The clerk of the supreme court, each clerk of the court of
4 appeals, and each clerk of a superior court, has power to take and
5 certify the proof and acknowledgment of a conveyance of real
6 property, or any other written instrument authorized or required to
7 be proved or acknowledged, and to administer oaths in every case when
8 authorized by law; and it is the duty of the clerk of the supreme
9 court, each clerk of the court of appeals, and of each county clerk
10 for each of the courts for which he or she is clerk:

11 (1) To keep the seal of the court and affix it in all cases where
12 he or she is required by law;

13 (2) To record the proceedings of the court;

14 (3) To keep the records, files, and other books and papers
15 appertaining to the court;

16 (4) To file all papers delivered to him or her for that purpose
17 in any action or proceeding in the court as directed by court rule or
18 statute;

19 (5) To attend, either in person or electronically if the
20 proceeding is virtual, the court of which he or she is clerk, to
21 administer oaths, and receive the verdict of a jury in any action or
22 proceeding therein, in the presence and under the direction of the
23 court;

24 (6) To keep the minutes of the proceedings of the court, and,
25 under the direction of the court, to enter its orders, judgments, and
26 decrees;

27 (7) To authenticate by certificate or transcript, as may be
28 required, the records, files, or proceedings of the court, or any
29 other paper appertaining thereto and filed with him or her;

30 (8) To exercise the powers and perform the duties conferred and
31 imposed upon him or her elsewhere by statute;

32 (9) In the performance of his or her duties to conform to the
33 direction of the court;

34 (10) To publish notice of the procedures for inspection of the
35 public records of the court.

36 **Sec. 3.** RCW 84.41.041 and 2017 c 323 s 507 are each amended to
37 read as follows:

38 (1) Each county assessor must cause taxable real property (~~to be~~
39 ~~physically inspected~~) characteristics to be reviewed in accordance

1 with international association of assessing officers standards for
2 physical inspection and valued at least once every six years in
3 accordance with RCW 84.41.030, and in accordance with a plan filed
4 with and approved by the department of revenue. Such revaluation plan
5 must provide that all taxable real property within a county must be
6 revalued and these newly determined values placed on the assessment
7 rolls each year. Property must be valued at one hundred percent of
8 its true and fair value and assessed on the same basis, in accordance
9 with RCW 84.40.030, unless specifically provided otherwise by law.
10 During the intervals between each physical inspection of real
11 property, the valuation of such property must be adjusted to its
12 current true and fair value, such adjustments to be made once each
13 year and to be based upon appropriate statistical data.

14 (2) The assessor may require property owners to submit pertinent
15 data respecting taxable property in their control including data
16 respecting any sale or purchase of said property within the past five
17 years, the cost and characteristics of any improvement on the
18 property and other facts necessary for appraisal of the property.

19 **Sec. 4.** RCW 38.52.040 and 2019 c 333 s 9 are each amended to
20 read as follows:

21 (1) There is hereby created the emergency management council
22 (hereinafter called the council), to consist of not more than
23 (~~eighteen~~) 21 members who shall be appointed by the adjutant
24 general. The membership of the council shall include, but not be
25 limited to, representatives of city and county governments, sheriffs
26 and police chiefs, county coroners and medical examiners, the
27 Washington state patrol, the military department, the department of
28 ecology, state and local fire chiefs, seismic safety experts, state
29 and local emergency management directors, search and rescue
30 volunteers, medical professions who have expertise in emergency
31 medical care, building officials, private industry, and the office of
32 the superintendent of public instruction. The representatives of
33 private industry shall include persons knowledgeable in emergency and
34 hazardous materials management. The councilmembers shall elect a
35 chair from within the council membership. The members of the council
36 shall serve without compensation, but may be reimbursed for their
37 travel expenses incurred in the performance of their duties in
38 accordance with RCW 43.03.050 and 43.03.060 as now existing or
39 hereafter amended.

1 (2) The emergency management council shall advise the governor
2 and the director on all matters pertaining to state and local
3 emergency management. The council may appoint such ad hoc committees,
4 subcommittees, and working groups as are required to develop specific
5 recommendations for the improvement of emergency management
6 practices, standards, policies, or procedures. The council shall
7 ensure that the governor receives an annual assessment of statewide
8 emergency preparedness including, but not limited to, specific
9 progress on hazard mitigation and reduction efforts, implementation
10 of seismic safety improvements, reduction of flood hazards, and
11 coordination of hazardous materials planning and response activities.
12 The council shall review administrative rules governing state and
13 local emergency management practices and recommend necessary
14 revisions to the director.

15 (3) The council or a council subcommittee shall serve and
16 periodically convene in special session as the state emergency
17 response commission required by the emergency planning and community
18 right-to-know act (42 U.S.C. Sec. 11001 et seq.). The state emergency
19 response commission shall conduct those activities specified in
20 federal statutes and regulations and state administrative rules
21 governing the coordination of hazardous materials policy including,
22 but not limited to, review of local emergency planning committee
23 emergency response plans for compliance with the planning
24 requirements in the emergency planning and community right-to-know
25 act (42 U.S.C. Sec. 11001 et seq.). Committees shall annually review
26 their plans to address changed conditions, and submit their plans to
27 the state emergency response commission for review when updated, but
28 not less than at least once every five years. The department may
29 employ staff to assist local emergency planning committees in the
30 development and annual review of these emergency response plans, with
31 an initial focus on the highest risk communities through which trains
32 that transport oil in bulk travel. By March 1, 2018, the department
33 shall report to the governor and legislature on progress towards
34 compliance with planning requirements. The report must also provide
35 budget and policy recommendations for continued support of local
36 emergency planning.

37 (4) (a) The intrastate mutual aid committee is created and is a
38 subcommittee of the emergency management council. The intrastate
39 mutual aid committee consists of not more than five members who must
40 be appointed by the council chair from council membership. The chair

1 of the intrastate mutual aid committee is the military department
2 representative appointed as a member of the council. Meetings of the
3 intrastate mutual aid committee must be held at least annually.

4 (b) In support of the intrastate mutual aid system established in
5 chapter 38.56 RCW, the intrastate mutual aid committee shall develop
6 and update guidelines and procedures to facilitate implementation of
7 the intrastate mutual aid system by member jurisdictions, including
8 but not limited to the following: Projected or anticipated costs;
9 checklists and forms for requesting and providing assistance;
10 recordkeeping; reimbursement procedures; and other implementation
11 issues. These guidelines and procedures are not subject to the rule-
12 making requirements of chapter 34.05 RCW.

13 (5) On emergency management issues that involve early learning,
14 kindergarten through twelfth grade, or higher education, the
15 emergency management council must consult with representatives from
16 the following organizations: The department of children, youth, and
17 families; the office of the superintendent of public instruction; the
18 state board for community and technical colleges; and an association
19 of public baccalaureate degree-granting institutions.

20 **Sec. 5.** RCW 70.54.430 and 2015 c 30 s 1 are each amended to read
21 as follows:

22 (1) When requested by first responders during an emergency,
23 employees of companies providing personal emergency response services
24 must provide to first responders the name, address, and any other
25 information necessary for first responders to contact subscribers
26 within the jurisdiction of the emergency.

27 (2) Companies providing personal emergency response services may
28 adopt policies to respond to requests from first responders to
29 release subscriber contact information during an emergency. Policies
30 may include procedures to:

31 (a) Verify that the requester is a first responder;

32 (b) Verify that the request is made pursuant to an emergency;

33 (c) Fulfill the request by providing the subscriber contact
34 information; and

35 (d) Deny the request if no emergency exists or if the requester
36 is not a first responder.

37 (3) Information received by a first responder under subsection
38 (1) of this section is confidential and exempt from disclosure under
39 chapter 42.56 RCW, and may be used only in responding to the

1 emergency that prompted the request for information. Any first
2 responder receiving the information must destroy it at the end of the
3 emergency.

4 (4) It is not a violation of this section if a personal emergency
5 response services company or an employee makes a good faith effort to
6 comply with this section. In addition, the company or employee is
7 immune from civil liability for a good faith effort to comply with
8 this section. Should a company or employee prevail upon the defense
9 provided in this section, the company or employee is entitled to
10 recover expenses and reasonable attorneys' fees incurred in
11 establishing the defense.

12 (5) First responders and their employing jurisdictions are not
13 liable for failing to request the information in subsection (1) of
14 this section. In addition, chapter 30, Laws of 2015 does not create a
15 private right of action nor does it create any civil liability on the
16 part of the state or any of its subdivisions, including first
17 responders.

18 (6) For the purposes of this section:

19 (a) "Emergency" means an occurrence that renders the personal
20 emergency response services system inoperable for a period of twenty-
21 four or more continuous hours, and that requires the attention of
22 first responders acting within the scope of their official duties.

23 (b) "First responder" means firefighters, law enforcement
24 officers, coroners and medical examiners, and emergency medical
25 personnel, as licensed or certificated by this state.

26 (c) "Personal emergency response services" means a service
27 provided for profit that allows persons in need of emergency
28 assistance to contact a call center by activating a wearable device,
29 such as a pendant or bracelet.

30 (7) This section does not require a personal emergency response
31 services company to:

32 (a) Provide first responders with subscriber contact information
33 in nonemergency situations; or

34 (b) Provide subscriber contact information to entities other than
35 first responders.

36 **Sec. 6.** RCW 43.09.230 and 2020 c 179 s 1 are each amended to
37 read as follows:

38 (1) As used in this section:

1 (a) "Special purpose district" means every municipal and quasi-
2 municipal corporation other than counties, cities, and towns. Such
3 special purpose districts include, but are not limited to, water-
4 sewer districts, fire protection districts, port districts, public
5 utility districts, special districts as defined in RCW 85.38.010,
6 lake and beach management districts, conservation districts, and
7 irrigation districts.

8 (b) "Unauditable" means a special purpose district that the state
9 auditor has determined to be incapable of being audited because the
10 special purpose district has improperly maintained, failed to
11 maintain, or failed to submit adequate accounts, records, files, or
12 reports for an audit to be completed.

13 (2) The state auditor shall require from every local government
14 financial reports covering the full period of each fiscal year, in
15 accordance with the forms and methods prescribed by the state
16 auditor, which shall be uniform for all accounts of the same class.

17 Such reports shall be prepared, certified, and filed with the
18 state auditor within one hundred fifty days after the close of each
19 fiscal year. The state auditor may allow local governments a thirty-
20 day extension for filing annual fiscal reports if the governor has
21 declared an emergency pursuant to RCW 43.06.210.

22 The reports shall contain accurate statements, in summarized
23 form, of all collections made, or receipts received, by the officers
24 from all sources; all accounts due the public treasury, but not
25 collected; and all expenditures for every purpose, and by what
26 authority authorized; and also: (a) A statement of all costs of
27 ownership and operation, and of all income, of each and every public
28 service industry owned and operated by a local government; (b) a
29 statement of the entire public debt of every local government, to
30 which power has been delegated by the state to create a public debt,
31 showing the purpose for which each item of the debt was created, and
32 the provisions made for the payment thereof; (c) a classified
33 statement of all receipts and expenditures by any public institution;
34 and (d) a statement of all expenditures for labor relations
35 consultants, with the identification of each consultant,
36 compensation, and the terms and conditions of each agreement or
37 arrangement; together with such other information as may be required
38 by the state auditor.

1 The reports shall be certified as to their correctness by the
2 state auditor, the state auditor's deputies, or other person legally
3 authorized to make such certification.

4 Their substance shall be published in an annual volume of
5 comparative statistics at the expense of the state as a public
6 document.

7 (3) (a) (i) On or before December 31, 2020, and on or before
8 December 31st of each year thereafter, the state auditor must search
9 available records and notify the legislative authority of a county if
10 any special purpose districts, located wholly or partially within the
11 county, have been determined to be unauditabile. If the boundaries of
12 the special purpose district are located within more than one county,
13 the state auditor must notify all legislative authorities of the
14 counties within which the boundaries of the special purpose district
15 lie.

16 (ii) If a county has been notified as provided in (a) (i) of this
17 subsection (3), the special purpose district and the county auditor,
18 acting on behalf of the special purpose district, are prohibited from
19 issuing any warrants against the funds of the special purpose
20 district until the district has had its report certified by the state
21 auditor.

22 (iii) Notwithstanding (a) (ii) of this subsection (3), a county
23 may authorize the special purpose district and the county auditor to
24 issue warrants against the funds of the special purpose district:

25 (A) In order to prevent the discontinuation or interruption of
26 any district services;

27 (B) For emergency or public health purposes; or

28 (C) To allow the district to carry out any district duties or
29 responsibilities.

30 (b) (i) On or before December 31, 2020, and on or before December
31 31st of each year thereafter, the state auditor must search available
32 records and notify the state treasurer if any special purpose
33 districts have been determined to be unauditabile.

34 (ii) If the state treasurer has been notified as provided in
35 (b) (i) of this subsection (3), the state treasurer may not distribute
36 any local sales and use taxes imposed by a special purpose district
37 to the district until the district has had its report certified by
38 the state auditor.

1 **Sec. 7.** RCW 65.04.140 and 2012 c 117 s 207 are each amended to
2 read as follows:

3 The county auditor in his or her capacity of recorder of deeds is
4 sole custodian of all books in which are recorded deeds, mortgages,
5 judgments, liens, incumbrances, and other instruments of writing,
6 indexes thereto, maps, charts, town plats, survey and other books and
7 papers constituting the records and files in said office of recorder
8 of deeds, and all such records and files are, and shall be, matters
9 of public information, free of charge to any and all persons
10 demanding to inspect or to examine the same, or to search the same
11 for titles of property. It is said recorder's duty to arrange in
12 suitable places the indexes of said books of record, and when
13 practicable, the record books themselves, to the end that the same
14 may be accessible to the public and convenient for said public
15 inspection, examination, and search, and not interfere with the said
16 auditor's personal control and responsibility for the same, or
17 prevent him or her from promptly furnishing the said records and
18 files of his or her said office to persons demanding any information
19 from the same. The said auditor or recorder must and shall, upon
20 demand, and without charge, freely permit any and all persons, during
21 reasonable office hours, to inspect, examine, and search any or all
22 of the records and files of his or her said office, and to gather any
23 information therefrom, and to make any desired notes or memoranda
24 about or concerning the same, and to prepare an abstract or abstracts
25 of title to any and all property therein contained. The county
26 auditor has fulfilled this obligation regarding those records that
27 can be accessed by the public on the county auditor's website.

28 **Sec. 8.** RCW 46.20.118 and 2009 c 366 s 1 are each amended to
29 read as follows:

30 (1) The department shall maintain a negative file. It shall
31 contain negatives of all pictures taken by the department of
32 licensing as authorized by this chapter. Negatives in the file shall
33 not be available for public inspection and copying under chapter
34 42.56 RCW.

35 (2) The department may make the file available to official
36 governmental enforcement agencies to assist in the investigation by
37 the agencies of suspected criminal activity or for the purposes of
38 verifying identity when a law enforcement officer is authorized by
39 law to request identification from an individual.

1 (3) The department shall make the file available to the office of
2 the secretary of state, at the expense of the secretary of state, to
3 assist in maintenance of the statewide voter registration database.

4 (4) The department may also provide a print to the driver's next
5 of kin in the event the driver is deceased.

6 (5) The department shall make the file available to the county
7 coroner or medical examiner for the purpose of identifying a deceased
8 person.

9 **Sec. 9.** RCW 6.01.060 and 2019 c 371 s 2 and 2019 c 227 s 1 are
10 each reenacted and amended to read as follows:

11 The definitions in this section apply throughout this title
12 unless the context clearly requires otherwise.

13 (1) "Certified mail" includes, for mailings to a foreign country,
14 any form of mail that requires or permits a return receipt.

15 (2) "Consumer debt" means any obligation or alleged obligation of
16 a consumer to pay money arising out of a transaction in which the
17 money, property, insurance, or services which are the subject of the
18 transaction are primarily for personal, family, or household
19 purposes. Consumer debt includes medical debt.

20 (3) "Medical debt" has the same meaning as provided in RCW
21 19.16.100.

22 (4) "Private student loan" means any loan not guaranteed by the
23 federal or state government that is used solely for personal use to
24 finance postsecondary education and costs of attendance at an
25 educational institution. A private student loan includes a loan made
26 solely to refinance a private student loan. A private student loan
27 does not include an extension of credit made under an open-end
28 consumer credit plan, a reverse mortgage transaction, a residential
29 mortgage transaction, or any other loan that is secured by real
30 property or a dwelling.

31 (5) "Public auction sale by electronic media" has the same
32 meaning as provided in RCW 36.16.145.

33 **Sec. 10.** RCW 6.21.030 and 1987 c 442 s 603 are each amended to
34 read as follows:

35 Before the sale of real property under execution, order of sale,
36 or decree, notice of the sale shall be given as follows:

37 (1) The judgment creditor shall:

1 (a) Not less than thirty days prior to the date of sale, cause a
2 copy of the notice in the form provided in RCW 6.21.040 to be (i)
3 served on the judgment debtor or debtors and each of them in the same
4 manner as a summons in a civil action, or (ii) transmitted both by
5 regular mail and by certified mail, return receipt requested, to the
6 judgment debtor or debtors, and to each of them separately if there
7 is more than one judgment debtor, at each judgment debtor's last
8 known address; and

9 (b) Not less than thirty days prior to the date of sale, mail a
10 copy of the notice of sale to the attorney of record for the judgment
11 debtor, if any; and

12 (c) File an affidavit with the court that the judgment creditor
13 has complied with the notice requirements of this section.

14 (2) The sheriff shall:

15 (a) For a period of not less than four weeks prior to the date of
16 sale, post a notice in the form provided in RCW 6.21.040,
17 particularly describing the property, in two public places in the
18 county in which the property is located, one of which shall be at the
19 courthouse door, (~~where the property is to be sold,~~) and in case of
20 improved real estate, one of which shall be at the front door of the
21 principal building constituting such improvement; and

22 (b) Publish a notice of the sale once a week, consecutively, for
23 the same period, in any daily or weekly legal newspaper of general
24 circulation published in the county in which the real property to be
25 sold is situated, but if there is more than one legal newspaper
26 published in the county, then the plaintiff or moving party in the
27 action, suit, or proceeding has the exclusive right to designate in
28 which of the qualified newspapers the notice shall be published, and
29 if there is no qualified legal newspaper published in the county,
30 then the notice shall be published in a qualified legal newspaper
31 published in a contiguous county, as designated by the plaintiff or
32 moving party. The published notice shall be in substantially the
33 following form:

34 IN THE SUPERIOR COURT OF THE STATE OF
35 WASHINGTON FOR COUNTY

1 been informed that there is not sufficient personal property to
2 satisfy the judgment and that if the judgment debtor or debtors do
3 have sufficient personal property to satisfy the judgment, the
4 judgment debtor or debtors should contact the sheriff's office
5 immediately:

6 IN THE SUPERIOR COURT OF THE STATE OF
7 WASHINGTON FOR COUNTY

8	Plaintiff,	}	CAUSE NO.
9	vs.		SHERIFF'S NOTICE TO
10	Defendant.		JUDGMENT DEBTOR OF
11			SALE OF REAL PROPERTY

12
13 TO: [Judgment Debtor]

14 The Superior Court of County has directed the
15 undersigned Sheriff of County to sell the property
16 described below to satisfy a judgment in the above-entitled
17 action. The property to be sold is described on the reverse
18 side of this notice. If developed, the property address
19 is:

20 The sale of the above-described property is to take place:

- 21 Time:
- 22 Date:
- 23 Place:

24 if the sale is to be conducted by electronic media, include
25 the web address of the sale website.

26 The judgment debtor can avoid the sale by paying the
27 judgment amount of \$, together with interest, costs,
28 and fees, before the sale date. For the exact amount, contact
29 the sheriff at the address stated below:

30 This property is subject to: (check one)

- 31 1. No redemption rights after sale.
- 32 2. A redemption period of eight months which will
33 expire at 4:30 p.m. on the day of, (year)
- 34 3. A redemption period of one year which will
35 expire at 4:30 p.m. on the day of, (year)

1 The judgment debtor or debtors or any of them may redeem
2 the above described property at any time up to the end of the
3 redemption period by paying the amount bid at the sheriff's
4 sale plus additional costs, taxes, assessments, certain other
5 amounts, fees, and interest. If you are interested in
6 redeeming the property contact the undersigned sheriff at
7 the address stated below to determine the exact amount
8 necessary to redeem.

9 IMPORTANT NOTICE: IF THE JUDGMENT
10 DEBTOR OR DEBTORS DO NOT REDEEM THE
11 PROPERTY BY 4:30 p.m. ON THE DAY OF,
12 (year), THE END OF THE REDEMPTION PERIOD,
13 THE PURCHASER AT THE SHERIFF'S SALE WILL
14 BECOME THE OWNER AND MAY EVICT THE
15 OCCUPANT FROM THE PROPERTY UNLESS THE
16 OCCUPANT IS A TENANT HOLDING UNDER AN
17 UNEXPIRED LEASE. IF THE PROPERTY TO BE SOLD
18 IS OCCUPIED AS A PRINCIPAL RESIDENCE BY THE
19 JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF
20 SALE, HE, SHE, THEY, OR ANY OF THEM MAY HAVE
21 THE RIGHT TO RETAIN POSSESSION DURING THE
22 REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT
23 OF ANY RENT OR OCCUPANCY FEE. THE
24 JUDGMENT DEBTOR MAY ALSO HAVE A RIGHT TO
25 RETAIN POSSESSION DURING ANY REDEMPTION
26 PERIOD IF THE PROPERTY IS USED FOR FARMING
27 OR IF THE PROPERTY IS BEING SOLD UNDER A
28 MORTGAGE THAT SO PROVIDES.

29 SHERIFF-DIRECTOR, COUNTY,
30 WASHINGTON.

31 By, Deputy
32 Address
33 City
34 Washington 9
35 Phone (. . .)

36 **Sec. 12.** RCW 6.21.050 and 1987 c 442 s 605 are each amended to
37 read as follows:

1 (1) All sales of property under execution, order of sale, or
2 decree, shall be made by auction between nine o'clock in the morning
3 and four o'clock in the afternoon. Sale of a public franchise under
4 execution or order of sale on foreclosure must be made at the front
5 door of the courthouse in the county in which the franchise was
6 granted or by public auction sale by electronic media. Sales of real
7 property shall be made at the courthouse door or by public auction
8 sale by electronic media on Friday unless Friday is a legal holiday
9 and then the sale shall be held on the next following regular
10 business day.

11 (2) If at the time appointed for the sale the sheriff is
12 prevented from attending at the place appointed or, being present,
13 should deem it for the advantage of all concerned to postpone the
14 sale for want of purchasers, or other sufficient cause, the sheriff
15 may postpone the sale not exceeding one week next after the day
16 appointed, and so from time to time for the like cause, giving notice
17 of every adjournment by public proclamation made at the same time,
18 and by posting written notices of such adjournment under the notices
19 of sale originally posted. The sheriff for like causes may also
20 adjourn the sale from time to time, not exceeding thirty days beyond
21 the day at which the writ is made returnable, with the consent of the
22 plaintiff indorsed upon the writ.

23 **Sec. 13.** RCW 6.21.090 and 1987 c 442 s 609 are each amended to
24 read as follows:

25 (1)(a) The form and manner of selling real estate by execution
26 shall be as follows: The sheriff shall proclaim aloud at the place of
27 sale, in the hearing of all the bystanders: "I am about to sell the
28 following tracts of real estate (here reading the description,) upon
29 the following execution:" (here reading the execution). The sheriff
30 shall also state the amount that is required upon the execution,
31 which shall include damages, interests and costs up to the day of
32 sale, and increased costs. The sheriff shall then offer the land for
33 sale.

34 (b) If the sale is by electronic media, a copy of the execution
35 shall be posted on the website hosting the auction sale. The website
36 shall also include a statement from the sheriff that states the
37 amount that is required upon the execution, which shall include
38 damages, interests and costs up to the day of sale, and increased
39 costs. The sheriff shall then offer the land for sale.

1 (2) If the sale is of real property consisting of several known
2 lots or parcels, they shall be sold separately or otherwise as the
3 sheriff deems likely to bring the highest price, except that if an
4 interest in a portion of such real property is claimed by a third
5 person who, by request directed to the sheriff in writing prior to
6 the sale or orally or in writing at the sale before the bidding is
7 begun, requests that it be sold separately, such portion shall be
8 sold separately. Bids on all land except town lots may be by the acre
9 or by tract or parcel.

10 (3) If the land is sold by the acre and any fewer number of acres
11 than the whole tract or parcel is sold, it shall be measured off to
12 the purchaser in a square form, from the northeast corner of the
13 tract or parcel, unless some person claiming an interest in the land,
14 by request directed to the sheriff in writing prior to the sale or
15 orally or in writing at the sale before the bidding is begun,
16 requests that the land sold be taken from some other part or in some
17 other form; in such case, if the request is reasonable, the officer
18 making the sale shall sell accordingly.

19 (4) If an entire tract or parcel of land is sold by the acre, it
20 shall not be measured but shall be deemed and taken to contain the
21 number of acres named in the description, and be paid for
22 accordingly; and if the number of acres is not contained in the
23 description, the officer shall declare according to his or her
24 judgment how many acres are contained therein, which shall be deemed
25 and taken to be the true number of acres.

26 **Sec. 14.** RCW 6.21.100 and 1987 c 442 s 610 are each amended to
27 read as follows:

28 (1) (a) The officer shall strike off the land to the highest
29 bidder, who shall forthwith pay the money bid to the officer (~~(, who~~
30 ~~shall return the money with the execution and the report of~~
31 ~~proceedings on the execution to the clerk of the court from which the~~
32 ~~execution issued: PROVIDED, HOWEVER, That when)~~ or to their agent
33 conducting the sale by electronic media. The sheriff or their agent
34 conducting the sale by electronic media shall tender the money to the
35 clerk of the court that issued the writ.

36 (b) When final judgment shall have been entered in the supreme
37 court or the court of appeals and the execution upon which sale has
38 been made issued from said court, the return shall be made to the
39 superior court in which the action was originally commenced, and the

1 same proceedings shall be had as though execution had issued from
2 that superior court.

3 (2) At the time of the sale, the sheriff shall prepare a
4 certificate of the sale, containing a particular description of the
5 property sold, the price bid for each distinct lot or parcel, and the
6 whole price paid; and when subject to redemption, it shall be so
7 stated. The matters contained in such certificate shall be
8 substantially stated in the sheriff's return of proceedings upon the
9 writ. Upon receipt of the purchase price, the sheriff shall give a
10 copy of the certificate to the purchaser and the original certificate
11 to the clerk of the court with the return on the execution to hold
12 for delivery to the purchaser upon confirmation of the sale.

13 **Sec. 15.** RCW 84.56.020 and 2019 c 332 s 1 are each amended to
14 read as follows:

15 **Treasurers' tax collection duties.**

16 (1) The county treasurer must be the receiver and collector of
17 all taxes extended upon the tax rolls of the county, whether levied
18 for state, county, school, bridge, road, municipal or other purposes,
19 and also of all fines, forfeitures or penalties received by any
20 person or officer for the use of his or her county. No treasurer may
21 accept tax payments or issue receipts for the same until the
22 treasurer has completed the tax roll for the current year's
23 collection and provided notification of the completion of the roll.
24 Notification may be accomplished electronically, by posting a notice
25 in the office, or through other written communication as determined
26 by the treasurer. All real and personal property taxes and
27 assessments made payable by the provisions of this title are due and
28 payable to the county treasurer on or before the thirtieth day of
29 April and, except as provided in this section, are delinquent after
30 that date.

31 **Tax statements.**

32 (2)(a) Tax statements for the current year's collection must be
33 distributed to each taxpayer on or before March 15th provided that:

34 (i) All city and other taxing district budgets have been
35 submitted to county legislative authorities by November 30th per RCW
36 84.52.020;

37 (ii) The county legislative authority in turn has certified taxes
38 levied to the county assessor by November 30th per RCW 84.52.070; and

1 (iii) The county assessor has delivered the tax roll to the
2 county treasurer by January 15th per RCW 84.52.080.

3 (b) Each tax statement must include a notice that checks for
4 payment of taxes may be made payable to "Treasurer of
5 County" or other appropriate office, but tax statements may not
6 include any suggestion that checks may be made payable to the name of
7 the individual holding the office of treasurer nor any other
8 individual.

9 (c) Each tax statement distributed to an address must include a
10 notice with information describing the:

11 (i) Property tax exemption program pursuant to RCW 84.36.379
12 through 84.36.389; and

13 (ii) Property tax deferral program pursuant to chapter 84.38 RCW.

14 **Tax payment due dates.**

15 **On-time tax payments: First-half taxes paid by April 30th and**
16 **second-half taxes paid by October 31st.**

17 (3) When the total amount of tax or special assessments on
18 personal property or on any lot, block or tract of real property
19 payable by one person is fifty dollars or more, and if one-half of
20 such tax is paid on or before the thirtieth day of April, the
21 remainder of such tax is due and payable on or before the following
22 thirty-first day of October and is delinquent after that date.

23 **Delinquent tax payments for current year: First-half taxes paid**
24 **after April 30th.**

25 (4) When the total amount of tax or special assessments on any
26 lot, block or tract of real property, personal property, or on any
27 mobile home payable by one person is fifty dollars or more, and if
28 one-half of such tax is paid after the thirtieth day of April but
29 before the thirty-first day of October, together with the applicable
30 interest and penalty on the full amount of tax payable for that year,
31 the remainder of such tax is due and payable on or before the
32 following thirty-first day of October and is delinquent after that
33 date.

34 **Delinquent tax payments: Interest, penalties, and treasurer**
35 **duties.**

36 (5) Except as provided in (c) of this subsection, delinquent
37 taxes under this section are subject to interest at the rate of
38 twelve percent per annum computed on a monthly basis on the amount of
39 tax delinquent from the date of delinquency until paid. Interest must
40 be calculated at the rate in effect at the time of the tax payment,

1 regardless of when the taxes were first delinquent. In addition,
2 delinquent taxes under this section are subject to penalties as
3 follows:

4 (a) A penalty of three percent of the amount of tax delinquent is
5 assessed on the tax delinquent on June 1st of the year in which the
6 tax is due.

7 (b) An additional penalty of eight percent is assessed on the
8 delinquent tax amount on December 1st of the year in which the tax is
9 due.

10 (c) If a taxpayer is successfully participating in a payment
11 agreement under subsection (15)(b) of this section or a partial
12 payment program pursuant to subsection (15)(c) of this section, the
13 county treasurer may not assess additional penalties on delinquent
14 taxes that are included within the payment agreement. Interest and
15 penalties that have been assessed prior to the payment agreement
16 remain due and payable as provided in the payment agreement.

17 (6) A county treasurer must provide notification to each taxpayer
18 whose taxes have become delinquent under subsections (4) and (5) of
19 this section. The delinquency notice must specify where the taxpayer
20 can obtain information regarding:

21 (a) Any current tax or special assessments due as of the date of
22 the notice;

23 (b) Any delinquent tax or special assessments due, including any
24 penalties and interest, as of the date of the notice; and

25 (c) Where the taxpayer can pay his or her property taxes directly
26 and contact information, including but not limited to the phone
27 number, for the statewide foreclosure hotline recommended by the
28 Washington state housing finance commission.

29 (7) Within ninety days after the expiration of two years from the
30 date of delinquency (when a taxpayer's taxes have become delinquent),
31 the county treasurer must provide the name and property address of
32 the delinquent taxpayer to a homeownership resource center or any
33 other designated local or state entity recommended by the Washington
34 state housing finance commission.

35 **Collection of foreclosure costs.**

36 (8)(a) When real property taxes become delinquent and prior to
37 the filing of the certificate of delinquency, the treasurer is
38 authorized to assess and collect tax foreclosure avoidance costs.

1 (b) When tax foreclosure avoidance costs are collected, such
2 costs must be credited to the county treasurer service fund account,
3 except as otherwise directed.

4 (c) For purposes of chapter 84.64 RCW, any taxes, interest, or
5 penalties deemed delinquent under this section remain delinquent
6 until such time as all taxes, interest, and penalties for the tax
7 year in which the taxes were first due and payable have been paid in
8 full.

9 **Periods of armed conflict.**

10 (9) Subsection (5) of this section notwithstanding, no interest
11 or penalties may be assessed during any period of armed conflict
12 regarding delinquent taxes imposed on the personal residences owned
13 by active duty military personnel who are participating as part of
14 one of the branches of the military involved in the conflict and
15 assigned to a duty station outside the territorial boundaries of the
16 United States.

17 **State of emergency.**

18 (10) During a state of emergency declared under RCW
19 43.06.010(12), the county treasurer, on his or her own motion or at
20 the request of any taxpayer affected by the emergency, may grant
21 extensions of the due date of any taxes payable under this section as
22 the treasurer deems proper.

23 **Retention of funds from interest.**

24 (11) All collections of interest on delinquent taxes must be
25 credited to the county current expense fund.

26 (12) For purposes of this chapter, "interest" means both interest
27 and penalties.

28 **Retention of funds from property foreclosures and sales.**

29 (13) The direct cost of foreclosure and sale of real property,
30 and the direct fees and costs of distraint and sale of personal
31 property, for delinquent taxes, must, when collected, be credited to
32 the operation and maintenance fund of the county treasurer
33 prosecuting the foreclosure or distraint or sale; and must be used by
34 the county treasurer as a revolving fund to defray the cost of
35 further foreclosure, distraint, and sale because of delinquent taxes
36 without regard to budget limitations and not subject to indirect
37 costs of other charges.

38 **Tax due dates and options for tax payment collections.**

39 **Electronic billings and payments.**

1 (14) For purposes of this chapter, and in accordance with this
2 section and RCW 36.29.190, the treasurer may collect taxes,
3 assessments, fees, rates, interest, and charges by electronic billing
4 and payment. Electronic billing and payment may be used as an option
5 by the taxpayer, but the treasurer may not require the use of
6 electronic billing and payment. Electronic bill presentment and
7 payment may be on a monthly or other periodic basis as the treasurer
8 deems proper for:

9 (a) Delinquent tax year payments; and

10 (b) Prepayments of current tax.

11 **Tax payments.**

12 **Prepayment for current taxes.**

13 (15)(a) The treasurer may accept prepayments for current year
14 taxes by any means authorized. All prepayments must be paid in full
15 by the due date specified in subsection (16) of this section.

16 **Payment agreements for current year taxes.**

17 (b)(i) The treasurer may provide, by electronic means or
18 otherwise, a payment agreement that provides for payment of current
19 year taxes, inclusive of prepayment collection charges. The payment
20 agreement must be signed by the taxpayer and treasurer or the
21 treasurer's deputy prior to the sending of an electronic or
22 alternative bill, which includes a payment plan for current year
23 taxes.

24 **Payment agreements for delinquent year taxes.**

25 (ii)(A) The treasurer may provide, by electronic means or
26 otherwise, a payment agreement for payment of past due delinquencies.
27 The payment agreement must be signed by the taxpayer and treasurer or
28 the treasurer's deputy prior to the sending of an electronic or
29 alternative bill, which includes a payment plan for past due
30 delinquent taxes and charges.

31 (B) Tax payments received by a treasurer for delinquent year
32 taxes from a taxpayer participating on a payment agreement must be
33 applied first to the oldest delinquent year unless such taxpayer
34 requests otherwise.

35 **Partial payments: Acceptance of partial payments for current and**
36 **delinquent taxes.**

37 (c)(i) In addition to the payment agreement program in (b) of
38 this subsection, the treasurer may accept partial payment of any
39 current and delinquent taxes including interest and penalties by any
40 means authorized including electronic bill presentment and payments.

1 (ii) All tax payments received by a treasurer for delinquent year
2 taxes from a taxpayer paying a partial payment must be applied first
3 to the oldest delinquent year unless such taxpayer requests
4 otherwise.

5 **Payment for delinquent taxes.**

6 (d) Payments on past due taxes must include collection of the
7 oldest delinquent year, which includes interest, penalties, and taxes
8 within an eighteen-month period, prior to filing a certificate of
9 delinquency under chapter 84.64 RCW or distraint pursuant to RCW
10 84.56.070.

11 **Due date for tax payments.**

12 (16) All taxes upon real and personal property made payable by
13 the provisions of this title are due and payable to the treasurer on
14 or before the thirtieth day of April and are delinquent after that
15 date. The remainder of the tax is due and payable on or before the
16 following thirty-first of October and is delinquent after that date.
17 All other assessments, fees, rates, and charges are delinquent after
18 the due date.

19 **Electronic funds transfers.**

20 (17) A county treasurer may authorize payment of:

21 (a) Any current property taxes due under this chapter by
22 electronic funds transfers on a monthly or other periodic basis; and

23 (b) Any past due property taxes, penalties, and interest under
24 this chapter by electronic funds transfers on a monthly or other
25 periodic basis. Delinquent taxes are subject to interest and
26 penalties, as provided in subsection (5) of this section. All tax
27 payments received by a treasurer from a taxpayer paying delinquent
28 year taxes must be applied first to the oldest delinquent year unless
29 such taxpayer requests otherwise.

30 **Payment for administering prepayment collections.**

31 (18) The treasurer must pay any collection costs, investment
32 earnings, or both on past due payments or prepayments to the credit
33 of a county treasurer service fund account to be created and used
34 only for the payment of expenses incurred by the treasurer, without
35 limitation, in administering the system for collecting prepayments.

36 **Waiver of interest and penalties for qualified taxpayers subject**
37 **to foreclosure.**

38 (19) No earlier than sixty days prior to the date that is three
39 years after the date of delinquency, the treasurer must waive all
40 outstanding interest and penalties on delinquent taxes due from a

1 taxpayer if the property is subject to an action for foreclosure
2 under chapter 84.64 RCW and the following requirements are met:

3 (a) The taxpayer is income-qualified under RCW 84.36.381(5) (a),
4 as verified by the county assessor;

5 (b) The taxpayer occupies the property as their principal place
6 of residence; and

7 (c) The taxpayer has not previously received a waiver on the
8 property as provided under this subsection.

9 **Definitions.**

10 (20) The definitions in this subsection apply throughout this
11 section unless the context clearly requires otherwise.

12 (a) "Electronic billing and payment" means statements, invoices,
13 or bills that are created, delivered, and paid using the internet.
14 The term includes an automatic electronic payment from a person's
15 checking account, debit account, or credit card.

16 (b) "Internet" has the same meaning as provided in RCW
17 19.270.010.

18 (c) "Tax foreclosure avoidance costs" means those direct costs
19 associated with the administration of properties subject to and prior
20 to foreclosure. Tax foreclosure avoidance costs include:

21 (i) Compensation of employees for the time devoted to
22 administering the avoidance of property foreclosure; and

23 (ii) The cost of materials, services, or equipment acquired,
24 consumed, or expended in administering tax foreclosure avoidance
25 prior to the filing of a certificate of delinquency.

26 NEW SECTION. **Sec. 16.** Section 10 of this act takes effect July
27 1, 2022.

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