
SENATE BILL 5402

State of Washington

67th Legislature

2021 Regular Session

By Senators Mullet and Kuderer

Read first time 02/02/21. Referred to Committee on Ways & Means.

1 AN ACT Relating to property tax deferral during the COVID-19
2 pandemic; amending RCW 84.56.020; creating a new section; providing
3 an expiration date; and declaring an emergency.

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

5 **Sec. 1.** RCW 84.56.020 and 2019 c 332 s 1 are each amended to
6 read as follows:

7 **Treasurers' tax collection duties.**

8 (1) The county treasurer must be the receiver and collector of
9 all taxes extended upon the tax rolls of the county, whether levied
10 for state, county, school, bridge, road, municipal or other purposes,
11 and also of all fines, forfeitures or penalties received by any
12 person or officer for the use of his or her county. No treasurer may
13 accept tax payments or issue receipts for the same until the
14 treasurer has completed the tax roll for the current year's
15 collection and provided notification of the completion of the roll.
16 Notification may be accomplished electronically, by posting a notice
17 in the office, or through other written communication as determined
18 by the treasurer. All real and personal property taxes and
19 assessments made payable by the provisions of this title are due and
20 payable to the county treasurer on or before the thirtieth day of

1 April and, except as provided in this section, are delinquent after
2 that date.

3 **Tax statements.**

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

6 (i) All city and other taxing district budgets have been
7 submitted to county legislative authorities by November 30th per RCW
8 84.52.020;

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

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

13 (b) Each tax statement must include a notice that checks for
14 payment of taxes may be made payable to "Treasurer of
15 County" or other appropriate office, but tax statements may not
16 include any suggestion that checks may be made payable to the name of
17 the individual holding the office of treasurer nor any other
18 individual.

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

21 (i) Property tax exemption program pursuant to RCW 84.36.379
22 through 84.36.389; and

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

24 **Tax payment due dates.**

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

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

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

35 (4) When the total amount of tax or special assessments on any
36 lot, block or tract of real property or on any mobile home payable by
37 one person is fifty dollars or more, and if one-half of such tax is
38 paid after the thirtieth day of April but before the thirty-first day
39 of October, together with the applicable interest and penalty on the
40 full amount of tax payable for that year, the remainder of such tax

1 is due and payable on or before the following thirty-first day of
2 October and is delinquent after that date.

3 **Delinquent tax payments: Interest, penalties, and treasurer**
4 **duties.**

5 (5) Except as provided in (c) and (d) of this subsection,
6 delinquent taxes under this section are subject to interest at the
7 rate of twelve percent per annum computed on a monthly basis on the
8 amount of tax delinquent from the date of delinquency until paid.
9 Interest must be calculated at the rate in effect at the time of the
10 tax payment, regardless of when the taxes were first delinquent. In
11 addition, delinquent taxes under this section are subject to
12 penalties as follows:

13 (a) A penalty of three percent of the amount of tax delinquent is
14 assessed on the tax delinquent on June 1st of the year in which the
15 tax is due.

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

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

26 (d) The interest and penalties provided in this subsection (5)
27 are suspended during the state of emergency declared under RCW
28 43.06.010(12) related to the novel coronavirus and for 12 months
29 after the end of such emergency.

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

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

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

38 (c) Where the taxpayer can pay his or her property taxes directly
39 and contact information, including but not limited to the phone

1 number, for the statewide foreclosure hotline recommended by the
2 Washington state housing finance commission.

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

9 **Collection of foreclosure costs.**

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

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

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

21 **Periods of armed conflict.**

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

29 **State of emergency.**

30 (10) (~~During~~) (a) Except as provided in (b) of this subsection,
31 during a state of emergency declared under RCW 43.06.010(12), the
32 county treasurer, on his or her own motion or at the request of any
33 taxpayer affected by the emergency, may grant extensions of the due
34 date of any taxes payable under this section as the treasurer deems
35 proper.

36 (b) Due to the state of emergency declared under RCW
37 43.06.010(12) related to the novel coronavirus, the county treasurer
38 shall grant extensions of the due date of any taxes payable in April
39 2021 under this section as provided in this subsection (10)(b).

1 (i) For tax payments due in April 2021, if the owner of any lot,
2 block, or tract of real property used for business purposes
3 demonstrates a loss of at least 20 percent of revenue for calendar
4 year 2020 compared to calendar year 2019 via an application provided
5 in a form and manner by the department, the county treasurer shall
6 grant a deferral of taxes due in April 2021. Those taxes are due and
7 payable on or before the following 31st day of October 2021.
8 Penalties and interest may not be assessed on taxes that are deferred
9 under this subsection (10)(b)(i) until after they become due and
10 payable either on or before the following 31st day of October 2021 or
11 subject to a payment agreement under (b)(ii) of this subsection.

12 (ii) The county treasurer may enter into a payment agreement for
13 payment of the sum of current year taxes on any properties that were
14 granted a deferral under (b)(i) of this subsection.

15 **Retention of funds from interest.**

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

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

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

21 (13) The direct cost of foreclosure and sale of real property,
22 and the direct fees and costs of distraint and sale of personal
23 property, for delinquent taxes, must, when collected, be credited to
24 the operation and maintenance fund of the county treasurer
25 prosecuting the foreclosure or distraint or sale; and must be used by
26 the county treasurer as a revolving fund to defray the cost of
27 further foreclosure, distraint, and sale because of delinquent taxes
28 without regard to budget limitations and not subject to indirect
29 costs of other charges.

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

31 **Electronic billings and payments.**

32 (14) For purposes of this chapter, and in accordance with this
33 section and RCW 36.29.190, the treasurer may collect taxes,
34 assessments, fees, rates, interest, and charges by electronic billing
35 and payment. Electronic billing and payment may be used as an option
36 by the taxpayer, but the treasurer may not require the use of
37 electronic billing and payment. Electronic bill presentment and
38 payment may be on a monthly or other periodic basis as the treasurer
39 deems proper for:

40 (a) Delinquent tax year payments; and

1 (b) Prepayments of current tax.

2 **Tax payments.**

3 **Prepayment for current taxes.**

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

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

8 (b)(i) The treasurer may provide, by electronic means or
9 otherwise, a payment agreement that provides for payment of current
10 year taxes, inclusive of prepayment collection charges. The payment
11 agreement must be signed by the taxpayer and treasurer or the
12 treasurer's deputy prior to the sending of an electronic or
13 alternative bill, which includes a payment plan for current year
14 taxes.

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

16 (ii)(A) The treasurer may provide, by electronic means or
17 otherwise, a payment agreement for payment of past due delinquencies.
18 The payment agreement must be signed by the taxpayer and treasurer or
19 the treasurer's deputy prior to the sending of an electronic or
20 alternative bill, which includes a payment plan for past due
21 delinquent taxes and charges.

22 (B) Tax payments received by a treasurer for delinquent year
23 taxes from a taxpayer participating on a payment agreement must be
24 applied first to the oldest delinquent year unless such taxpayer
25 requests otherwise.

26 **Partial payments: Acceptance of partial payments for current and**
27 **delinquent taxes.**

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

32 (ii) All tax payments received by a treasurer for delinquent year
33 taxes from a taxpayer paying a partial payment must be applied first
34 to the oldest delinquent year unless such taxpayer requests
35 otherwise.

36 **Payment for delinquent taxes.**

37 (d) Payments on past due taxes must include collection of the
38 oldest delinquent year, which includes interest, penalties, and taxes
39 within an eighteen-month period, prior to filing a certificate of

1 delinquency under chapter 84.64 RCW or distraint pursuant to RCW
2 84.56.070.

3 **Due date for tax payments.**

4 (16) All taxes upon real and personal property made payable by
5 the provisions of this title are due and payable to the treasurer on
6 or before the thirtieth day of April and are delinquent after that
7 date. The remainder of the tax is due and payable on or before the
8 following thirty-first of October and is delinquent after that date.
9 All other assessments, fees, rates, and charges are delinquent after
10 the due date.

11 **Electronic funds transfers.**

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

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

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

22 **Payment for administering prepayment collections.**

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

28 **Waiver of interest and penalties for qualified taxpayers subject**
29 **to foreclosure.**

30 (19) No earlier than sixty days prior to the date that is three
31 years after the date of delinquency, the treasurer must waive all
32 outstanding interest and penalties on delinquent taxes due from a
33 taxpayer if the property is subject to an action for foreclosure
34 under chapter 84.64 RCW and the following requirements are met:

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

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

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

1 **Definitions.**

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

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

8 (b) "Internet" has the same meaning as provided in RCW
9 19.270.010.

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

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

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

18 NEW SECTION. **Sec. 2.** (1) The COVID-19 property tax deferral
19 loan account is created in the custody of the state treasurer. Only
20 the state treasurer or the treasurer's designee may make expenditures
21 from the account. Expenditures from the account do not require an
22 appropriation. Expenditures from the account may be made only for
23 loans to local governments under this section.

24 (2) Between the effective date of this section and June 30, 2021,
25 the state treasurer may make interest-free loans from the account to
26 cities and counties. A city or county may apply to the state
27 treasurer for an interest-free loan from the COVID-19 property tax
28 deferral loan account in an amount not to exceed the city's or
29 county's revenue delay as a result of property tax deferrals made
30 under RCW 84.56.020(10)(b). The application under this section must
31 be made in a form and manner determined by the state treasurer. The
32 amount of each loan is determined by the treasurer, who may prorate
33 loan amounts if loan applications exceed the account balance.

34 (3) A city or county that receives a loan under this section must
35 repay the loan to the state treasurer within one calendar year from
36 the date of the loan.

37 (4) Cities and counties may spend moneys loaned under this
38 section exclusively for local government uses authorized in statute.

1 (5) After the end of fiscal year 2022, the state treasurer shall
2 transfer to the state general fund the entire balance of the account,
3 whether from loan repayments or unexpended balance. The state
4 treasurer must also transfer to the state general fund any loan
5 repayments received after that date.

6 (6) This section expires July 1, 2023.

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of
9 the state government and its existing public institutions, and takes
10 effect immediately.

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