
Finance Committee

HB 2039

Brief Description: Increasing the disposable income requirements for property tax deferral eligibility for senior citizens and persons retired because of disability.

Sponsors: Representatives Kelley, Morrell, Green, Jarrett, Linville, Warnick, Bailey, Grant, Roach, McDonald, Walsh, Rodne, Wallace, Buri, Priest, Williams, Dunn, Upthegrove, Darneille, Appleton, Campbell, Ericks, Ormsby, Simpson, Conway and Hurst.

Brief Summary of Bill

- Allows persons with incomes of more than \$40,000 but no more than \$100,000 to defer property taxes on property value up to \$200,000 under the senior citizen and disabled person property tax deferral program.

Hearing Date: 2/20/07

Staff: Mark Matteson (786-7145).

Background:

All real and personal property in this state is subject to property tax each year based on its value, unless a specific exemption is provided by law. One such program is the senior citizen property tax exemption.

Property Taxes - General Requirements and Limitations. The property tax is the oldest of taxes in Washington and is subject to a number of constitutional and statutory requirements. The State Constitution (Constitution) requires all property taxes to be applied "uniformly;" this has been interpreted to mean that within any given taxing district, the district rate applied to each parcel of taxable property must be the same.

The Constitution limits the sum of property tax rates to a maximum of 1 percent of true and fair value, or \$10 per \$1,000 of market value. Levies that are subject to the 1 percent rate limitation are known as "regular" levies, and there is no constitutional voting requirement for regular levies. The Constitution does provide a procedure for voter approval for tax rates that exceed the 1 percent limit. These taxes are called "excess" levies. The most common excess levies are

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

maintenance and operation levies for school districts and bond retirement levies. The Constitution provides that excess levies must obtain a 60 percent majority vote plus meet a minimum voter turnout requirement.

In order to implement the 1 percent constitutional rate limit, the Washington Legislature has adopted statutory rate limits for each individual type of district. The state levy rate is limited to \$3.60 per \$1,000 of assessed value; county general levies are limited to \$1.80 per \$1,000; county road levies are limited to \$2.25 per \$1,000; and city levies are limited to \$3.375 per \$1,000. These districts are known as "senior" districts. Junior districts like fire, library, and hospital districts each have specific rate limits as well.

In addition, there is an overall rate limit of \$5.90 per \$1,000 for most districts. The state property tax and a specific list of local levies, such as emergency medical services, conservation futures, and affordable housing, are not subject to the \$5.90 limit. There is a complex system of prorating the various levies so that the total rate for local levies does not exceed \$5.90. If the total rate exceeds \$10 after prorating under the \$5.90 aggregate rate limit then another prorating procedure reduces levy rates so that the total rate is below \$10 per \$1,000 of value.

In addition to the rate limitations, a district's regular property tax levy is limited by a statutory maximum growth rate in the amount of tax revenue that may be collected from year to year. Generally, the limit requires a reduction of property tax rates as necessary to limit the growth in the total amount of property tax revenue received to the lesser of 1 percent or inflation. The revenue limitation does not apply to new value placed on tax rolls attributable to new construction, to improvements to existing property, to changes in state-assessed valuation, or to construction of certain wind turbines. In areas where property values have grown more rapidly than 1 percent per year the 101 percent revenue limit has caused district tax rates to decline below the maximum rate.

The revenue limit for regular property taxes may be superseded by voter approval; this process is known as a "lid lift." Lid lifts require approval by a majority of the voters in a taxing district, and allow the district to set its levy in an amount that exceeds 101 percent of the previous year's tax, as long as the resulting tax rate is within the statutory rate limit.

Property Taxes -Mechanics. The County Assessor (Assessor) determines assessed value for each property. The Assessor also calculates the tax rate necessary to raise the correct amount of property taxes for each taxing district. The Assessor calculates the rate so that the individual district rate limit, the district revenue limit, and the aggregate rate limits are all satisfied. The tax bill is determined by multiplying the assessed value of the property by the tax rate for each taxing district in which the property is located.

Property Taxes - Exemptions in General. The State Constitution gives the Legislature the power to exempt property from taxation, and a number of exemptions have been enacted. Constitutional amendments have also been adopted to provide specific exceptions to the uniformity requirement for the Senior Citizen Tax Relief Program and the "current use" valuation of open space, timber, and agricultural lands. Both of these programs use a valuation less than 100 percent of fair market value.

Property tax exemptions reduce the amount of property over which the property tax levies are spread. Generally, excess property tax levies are approved by voters in terms of the total dollar

amount that is to be raised. The tax rate is calculated by dividing this amount by the value of taxable property in the taxing district. Exempting property from paying excess levies means that a higher tax rate is necessary to raise the approved amount of money.

The rates for regular property tax levies are also determined by dividing the amount to be raised by the assessed value of the district. The resulting tax rate calculation is checked against the maximum allowed for the district and reduced if necessary. If a district is at or close to their rate maximum then an exemption would result in less revenue to the district. However, many districts are below the maximum rate due to the 101 percent revenue limit. In these districts an exemption will result in a higher tax rate and no loss in revenue. The lower tax amount for those exempted will be recovered from nonexempt taxpayers through higher tax rates.

Property Taxes - Senior Citizen Tax Relief. Authorized by a constitutional amendment, certain senior citizens and persons retired due to disability are entitled to property tax relief on their principal residences. There are two types of relief: an exemption for persons that qualify, and a deferral of taxes due for persons that qualify. To qualify for the deferral, persons must be of age 60 or older in the year of application or retired from employment because of a physical disability, own his or her principal residence, and have disposable income less than \$40,000 per year.

Disposable income is defined as the sum of federally defined adjusted gross income and the following, if not already included: capital gains; deductions for loss; depreciation; pensions and annuities; military pay and benefits; veterans' benefits except attendant-care and medical-aid payments; Social Security and federal railroad retirement benefits; dividends; and interest income on state and municipal bonds. Payments for: the care of either spouse received in the home, in a boarding home, in an adult family home, or in a nursing home; prescription drugs; and Medicare health care insurance premiums are deducted in determining disposable income.

The amount of tax that may be deferred is based on the amount of equity the owner has in the home. Equity is the difference between the assessed value of the property and any debts secured by the property. Taxes may be deferred on the amount of property value equal to 80 percent of the equity value. Special assessments, such as those imposed by local improvement districts, may also be deferred. When tax is deferred, local assessors may not increase district rates. Instead, the state reimburses local taxing districts for the loss of revenue from the State General Fund, and taxes that are deferred become a lien against the property. Interest accrues at 5 percent per year. To protect the interest of the state, the owner must keep in force a fire and casualty insurance policy sufficiently large to replace the structure in case of loss.

If deferred taxes are not repaid within three years after the claimant ceases to own and live in the residence, the lien will be foreclosed and the residence sold to recover the taxes.

Summary of Bill:

A person with an income of more than \$40,000 but no more than \$100,000 may defer property taxes and assessments on a portion of the property value equal to 80 percent of the equity value held by the owner, but not more than \$200,000.

Appropriation: None.

Fiscal Note: Requested on February 12,2007.

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