
SUBSTITUTE HOUSE BILL 1401

State of Washington 62nd Legislature 2011 Regular Session

By House Local Government (originally sponsored by Representative Upthegrove)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the foreclosure process for delinquent local
2 improvement district assessments; amending RCW 35.49.030 and 35.50.030;
3 and creating a new section.

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

5 **Sec. 1.** RCW 35.49.030 and 1971 ex.s. c 116 s 5 are each amended to
6 read as follows:

7 Every city and town shall prescribe by ordinance within what time
8 assessments or installments thereof (~~shall~~) must be paid, and
9 (~~shall~~) may provide for the payment and collection of penalties and
10 interest thereon at a rate as (~~shall be~~) fixed by the legislative
11 body of the city or town. (~~Assessments or installments thereof, when~~
12 ~~delinquent, in addition to such interest, shall bear such penalty not~~
13 ~~less than five percent as shall be by general ordinance prescribed.))~~)

14 **Sec. 2.** RCW 35.50.030 and 2002 c 168 s 1 are each amended to read
15 as follows:

16 (1) If on the first day of January in any year, two installments of
17 any local improvement assessment are delinquent, or if the final
18 installment thereof has been delinquent for more than one year, the

1 city or town (~~shall~~) must proceed with the foreclosure of the
2 delinquent assessment or delinquent installments thereof by proceedings
3 brought in its own name in the superior court of the county in which
4 the city or town is situate.

5 (2) The proceedings shall be commenced on or before March 1st of
6 that year or on or before such other date in such year as may be fixed
7 by general ordinance, but not before the city or town treasurer has
8 notified by certified mail the persons whose names appear on the
9 current assessment roll as owners of the property charged with the
10 assessments or installments which are delinquent, at the address last
11 known to the treasurer, a notice thirty days before the commencement of
12 the proceedings. If the person whose name appears on the assessment
13 rolls of the county assessor as owner of the property, or whose name
14 appears on the tax rolls of the county treasurer as taxpayer of the
15 property, or the address shown for the owner, differs from that
16 appearing on the city or town assessment roll, then the treasurer shall
17 also mail a copy of the notice to that person or that address.

18 (3) The notice shall state the amount due, including foreclosure
19 costs, upon each separate lot, tract, or parcel of land and the date
20 after which the proceedings will be commenced. The city or town
21 treasurer shall file with the clerk of the superior court at the time
22 of commencement of the foreclosure proceeding the affidavit of the
23 person who mailed the notices. This affidavit shall be conclusive
24 proof of compliance with the requirements of this section.

25 (4) Notwithstanding the mandatory foreclosure requirements
26 established in subsection (2) of this section, a city or town may delay
27 foreclosure proceedings for residential property owners for up to one
28 year if the owner enters into an installment plan that is acceptable to
29 the city or town and that allows the owner to become current with
30 delinquent installments within that one-year period. However, the city
31 or town may not exercise this option to delay foreclosure proceedings
32 for any delinquencies that exist or occur within two years from the
33 date the final installment is due.

34 NEW SECTION. Sec. 3. Sections 1 and 2 of this act apply only to
35 local improvement assessment rolls formed after the effective date of

1 this section.

--- END ---