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HOUSE BILL 1401

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representative Upthegrove

Read first time 01/20/11. Referred to Committee on Local Government.

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~~) may 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 NEW SECTION. **Sec. 3.** A city or town may implement the provisions  
26 of this act retroactively as well as prospectively.

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