
SUBSTITUTE HOUSE BILL 2615

State of Washington 62nd Legislature 2012 Regular Session

By House Local Government (originally sponsored by Representatives Goodman and Kagi)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to benefit charges for the enhancement of fire
2 protection services; and adding a new section to chapter 35.13 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13 RCW
5 to read as follows:

6 (1) A city or town that has annexed since 2006 or is conducting
7 annexations of all or a part of a fire protection district or fire
8 protection districts may by resolution, for the enhancement of fire
9 protection services, fix and impose a benefit charge on personal
10 property and improvements to real property that are located in the city
11 or town, to be paid by the owners of the properties: PROVIDED, That a
12 benefit charge shall not apply to personal property and improvements to
13 real property owned or used by: (a) Any recognized religious
14 denomination or religious organization as, or including, a sanctuary or
15 for purposes related to the bona fide religious ministries of the
16 denomination or religious organization, including schools and
17 educational facilities used for kindergarten, primary, or secondary
18 educational purposes or for institutions of higher education and all
19 grounds and buildings related thereto, but not including personal

1 property and improvements to real property owned or used by any
2 recognized religious denomination or religious organization for
3 business operations, profit-making enterprises, or activities not
4 including use of a sanctuary or related to kindergarten, primary, or
5 secondary educational purposes or for institutions of higher education;
6 or (b) any entity exempt from taxation under RCW 35.82.210 or
7 84.36.560.

8 (2) A benefit charge imposed shall be reasonably proportioned to
9 the measurable benefits to property resulting from the enhancement of
10 services afforded by the city or town fire department. It is
11 acceptable to apportion the benefit charge to the values of the
12 properties as found by the county assessor or assessors modified
13 generally in the proportion that fire insurance rates are reduced or
14 entitled to be reduced as the result of providing the services. Any
15 other method that reasonably apportions the benefit charges to the
16 actual benefits resulting from the degree of protection, which may
17 include but is not limited to the distance from regularly maintained
18 fire protection equipment, the level of fire prevention services
19 provided to the properties, or the need of the properties for
20 specialized services, may be specified in the resolution and shall be
21 subject to contest on the ground of unreasonable or capricious action
22 or action in excess of the measurable benefits to the property
23 resulting from services afforded by the city or town fire department.
24 The city or town may determine that certain properties or types or
25 classes of properties are not receiving measurable benefits based on
26 criteria they establish by resolution. A benefit charge authorized by
27 this section shall not be applicable to the personal property or
28 improvements to real property of any individual, corporation,
29 partnership, firm, organization, or association maintaining a fire
30 department and whose fire protection and training system has been
31 accepted by a fire insurance underwriter maintaining a fire protection
32 engineering and inspection service authorized by the state insurance
33 commissioner to do business in this state, but such property may be
34 protected by the city or town under a contractual agreement. For
35 administrative purposes, the benefit charge imposed on any individual
36 property may be compiled into a single charge, provided that the city
37 or town, upon request of the property owner, provide an itemized list
38 of charges for each measurable benefit included in the charge.

1 (3) The resolution establishing benefit charges shall specify, by
2 legal geographical areas or other specific designations, the charge to
3 apply to each property by location, type, or other designation, or
4 other information that is necessary to the proper computation of the
5 benefit charge to be charged to each property owner subject to the
6 resolution. The county assessor of each county shall determine and
7 identify the personal properties and improvements to real property
8 which are subject to a benefit charge in each city or town and shall
9 furnish and deliver to the county treasurer of that county a listing of
10 the properties with information describing the location, legal
11 description, and address of the person to whom the statement of benefit
12 charges is to be mailed, the name of the owner, and the value of the
13 property and improvements, together with the benefit charge to apply to
14 each. These benefit charges shall be certified to the county treasurer
15 for collection in the same manner that is used for the collection of
16 fire protection assessments for forest lands protected by the
17 department of natural resources under RCW 76.04.610 and the same
18 penalties and provisions for collection shall apply.

19 (4) Each city and town shall contract, prior to the imposition of
20 a benefit charge, for the administration and collection of the benefit
21 charge by each county treasurer, who shall deduct a percent, as
22 provided by contract to reimburse the county for expenses incurred by
23 the county assessor and county treasurer in the administration of the
24 resolution and this section. The county treasurer shall make
25 distributions each year, as the charges are collected, in the amount of
26 the benefit charges imposed on behalf of the city or town, less the
27 deduction provided for in the contract.

28 (5) Any benefit charge authorized by this section shall not be
29 effective unless a proposition to impose the benefit charge is approved
30 by a sixty percent majority of the voters of the city or town voting at
31 a general election or at a special election called by the city or town
32 for that purpose, held within the city or town. An election held
33 pursuant to this section shall be held not more than twelve months
34 prior to the date on which the first such charge is to be assessed:
35 PROVIDED, That a benefit charge approved at an election shall not
36 remain in effect for a period of more than six years nor more than the
37 number of years authorized by the voters if fewer than six years unless
38 subsequently reapproved by the voters.

1 (6) The ballot shall be submitted so as to enable the voters
2 favoring the authorization of a benefit charge to vote "Yes" and those
3 opposed thereto to vote "No," and the ballot shall be:

4 "Shall be authorized to impose benefit
5 charges each year for (insert number of years not to
6 exceed six) years, not to exceed an amount equal to
7 (insert percentage amount not to exceed sixty) percent of its
8 fire department operating budget?

9 YES NO
10

11 (7) A city or town renewing the benefit charge may elect to use the
12 following alternative ballot:

13 "Shall be authorized to continue voter-
14 authorized benefit charges each year for (insert number
15 of years not to exceed six) years, not to exceed an amount
16 equal to (insert percentage amount not to exceed sixty)
17 percent of its fire department operating budget?

18 YES NO
19

20 (8) Not less than ten days nor more than six months before the
21 election at which the proposition to impose the benefit charge is
22 submitted as provided in this section, the city or town shall hold a
23 public hearing specifically setting forth its proposal to impose
24 benefit charges for the support of its legally authorized activities
25 which will maintain or improve the services afforded in the city or
26 town. A report of the public hearing shall be filed with the county
27 treasurer of each county in which the property is located and be
28 available for public inspection.

29 (9)(a) Prior to November 15th of each year the city or town shall
30 hold a public hearing to review and establish the benefit charges for
31 the subsequent year.

1 (b) All resolutions imposing or changing the benefit charges shall
2 be filed with the county treasurer for each county in which the
3 property is located, together with the record of each public hearing,
4 before November 30th immediately preceding the year in which the
5 benefit charges are to be collected on behalf of the city or town fire
6 department.

7 (c) After the benefit charges have been established, the owners of
8 the property subject to the charge shall be notified of the amount of
9 the charge.

10 (10) After notice has been given to the property owners of the
11 amount of the charge, the city or town imposing a benefit charge under
12 this section shall form a review board for at least a two-week period
13 and shall, upon complaint in writing of a party aggrieved owning
14 property in the city or town, reduce the charge of a person who, in
15 their opinion, has been charged too large a sum, to a sum or amount as
16 they believe to be the true, fair, and just amount.

17 (11) A person who is receiving the exemption contained in RCW
18 84.36.381 through 84.36.389 shall be exempt from any legal obligation
19 to pay a portion of the charge imposed by this section according to the
20 following:

21 (a) A person who meets the income limitation contained in RCW
22 84.36.381(5)(a) and does not meet the income limitation contained in
23 RCW 84.36.381(5)(b) (i) or (ii) shall be exempt from twenty-five
24 percent of the charge.

25 (b) A person who meets the income limitation contained in RCW
26 84.36.381(5)(b)(i) shall be exempt from fifty percent of the charge.

27 (c) A person who meets the income limitation contained in RCW
28 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the
29 charge.

30 (12) For the purposes of this section:

31 (a) "Personal property" includes every form of tangible personal
32 property, including but not limited to, all goods, chattels, stock in
33 trade, estates, or crops, except that the term "personal property" does
34 not include any personal property used for farming, field crops, farm
35 equipment, or livestock; and

36 (b) "Improvements to real property" does not include permanent
37 growing crops, field improvements installed for the purpose of aiding

1 the growth of permanent crops, or other field improvements normally not
2 subject to damage by fire.

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