

SENATE BILL REPORT

SHB 2519

As of February 25, 2016

Title: An act relating to nuisance abatement cost recovery for cities.

Brief Description: Allowing nuisance abatement cost recovery for cities.

Sponsors: House Committee on Local Government (originally sponsored by Representatives McCaslin, Gregerson, Shea, Appleton, Tharinger, Peterson, McBride, Manweller, Stokesbary, Reykdal, Sells, Fitzgibbon, Springer, Kochmar, Orwall, Nealey, Pike, Van De Wege and Stanford).

Brief History: Passed House: 2/16/16, 76-21.

Committee Activity: Government Operations & Security: 2/25/16.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Alex Kearns (786-7416)

Background: A nuisance consists of acting unlawfully or failing to perform a duty, which:

- annoys, injures, or endangers the comfort, health, or safety of others;
- offends decency;
- unlawfully interferes, obstructs, or renders dangerous waterways or public spaces; or
- renders other persons insecure in life or in the use of property.

A public nuisance is one that affects equally the rights of an entire community or neighborhood. All cities and towns are authorized to declare what is deemed a nuisance, and to abate a nuisance. Currently only second class cities are expressly permitted to levy a special assessment against premises where a nuisance is located to recover abatement costs.

Summary of Bill: Cities and towns are authorized to levy a special assessment on property where a nuisance threatening health or safety is situated, to reimburse the city or town for the expense of abatement. This authority is supplemental to any existing authority a city or town may have to levy an assessment or obtain a lien for costs of abatement.

Before a nuisance is abated, the city or town must provide notice to the property owner indicating that abatement is pending and that a special assessment may be levied on the property. Before levying a special assessment, the city or town must notify the property

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owner and any identifiable mortgage holder that a special assessment will be levied, and provide an estimated amount of the special assessment.

The special assessment levied by the city or town is a lien, binding upon successors beginning the date it is recorded in the county where the property is located. Up to \$2,000 of the recorded lien is of equal rank with state, county, and municipal taxes.

A city or town may contract with the county treasurer to collect the special assessment.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This was a request from Spokane Valley. Usually there is a one to two year process before abatement, which gives people time to clean up their property. When that doesn't happen, and the nuisance starts to affect health and safety, then the city comes in to clean it up. This bill gives cities the first lien to recover up to \$2,000 and there is rarely any additional money left after all lien holders get in line. This is not a money making proposition, and the \$2,000 limit is a good way to keep this from being abused. The bill allows taxpayer money to be recovered and it improves property values.

Persons Testifying: PRO: Representative McCaslin, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: PRO: Briahna Murray, Cities of Spokane Valley & SeaTac.