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ESSB 5160 - H COMM AMD By Committee on Finance

NOT ADOPTED 04/27/2019

- 1 Strike everything after the enacting clause and insert the 2 following:
- "NEW SECTION. Sec. 1. (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . ., Laws of 2019 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.
- 10 (2) The legislature categorizes this tax preference as one 11 intended to provide tax relief for certain businesses or individuals, 12 as indicated in RCW 82.32.808(2)(e).
 - (3) It is the legislature's specific public policy objective to provide tax relief to senior citizens, disabled persons, and veterans. The legislature recognizes that property taxes impose a substantial financial burden on those with fixed incomes and that property tax relief programs have considerable value in addressing this burden. It is the legislature's intent to establish a mechanism for adjusting income thresholds into the future. Income thresholds were last adjusted in 2015.
- 21 **Sec. 2.** RCW 84.36.381 and 2018 c 46 s 2 are each amended to read 22 as follows:
 - A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:
 - (1) (a) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement

- 1 residence, but no claimant may receive an exemption on more than one
- 2 residence in any year. Moreover, confinement of the person to a
- 3 hospital, nursing home, assisted living facility, ((or)) adult family
- 4 home, or home of a relative for the purpose of long-term care does
- 5 not disqualify the claim of exemption if:

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- 6 $((\frac{a}{a}))$ (i) The residence is temporarily unoccupied;
- 7 (((b))) <u>(ii)</u> The residence is occupied by a spouse or a domestic 8 partner and/or a person financially dependent on the claimant for 9 support; or
- 10 (((c))) <u>(iii)</u> The residence is rented for the purpose of paying 11 nursing home, hospital, assisted living facility, or adult family 12 home costs;
 - (b) For the purposes of this subsection (1), "relative" means any individual related to the claimant by blood, marriage, or adoption;
 - (2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;
 - (3) (a) The person claiming the exemption must be:
 - (i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or
- (ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at ((a total disability rating for a service-connected disability)):
- 35 <u>(A) A combined service-connected evaluation rating of eighty</u> 36 percent or higher; or
- 37 <u>(B) A total disability rating for a service-connected disability</u>
 38 without regard to evaluation percent.
- 39 (b) However, any surviving spouse or surviving domestic partner 40 of a person who was receiving an exemption at the time of the Code Rev/JA:akl 2 H-2559.1/19

person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

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- (4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;
 - (5) (a) A person who otherwise qualifies under this section and has a combined disposable income ((of forty thousand dollars or less)) equal to or less than income threshold 3 is exempt from all excess property taxes, the additional state property tax imposed under RCW 84.52.065(2), and the portion of the regular property taxes authorized pursuant to RCW 84.55.050 and approved by the voters, if the legislative authority of the county or city imposing the additional regular property taxes identified this exemption in the ordinance placing the RCW 84.55.050 measure on the ballot; and
 - (b)(i) A person who otherwise qualifies under this section and has a combined disposable income ((of thirty-five thousand dollars or less but greater than thirty thousand dollars)) equal to or less than income threshold 2 but greater than income threshold 1 is exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or
- (ii) A person who otherwise qualifies under this section and has 38 39 a combined disposable income ((of thirty thousand dollars or less)) equal to or less than income threshold 1 is exempt from all regular Code Rev/JA:akl 3 H-2559.1/19

property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

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- (6)(a) For a person who otherwise qualifies under this section and has a combined disposable income ((of forty thousand dollars or less)) equal to or less than income threshold 3, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.
 - (b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.
 - (c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.
- RCW 84.36.383 and 2012 c 10 s 74 are each amended to 27 Sec. 3. 28 read as follows:

As used in RCW 84.36.381 through 84.36.389, ((except where the context clearly indicates a different meaning)) unless the context clearly requires otherwise:

(1) The term "residence" means a single-family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations. The term also includes a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term also includes a single-family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence is deemed real property.

- (2) The term "real property" also includes a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.
- (3) (("Department" means the state department of revenue.))

 "Principal place of residence" means a residence occupied for more
 than nine months each calendar year by a person claiming an exemption
 under RCW 84.36.381.
- (4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse or domestic partner, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse or domestic partner during the assessment year for:
- (a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions;
- 30 (b) The treatment or care of either person received in the home 31 or in a nursing home, assisted living facility, or adult family home; 32 and
 - (c) Health care insurance premiums for medicare under Title XVIII of the social security act.
- 35 (5) "Disposable income" means adjusted gross income as defined in 36 the federal internal revenue code, as amended prior to January 1, 37 1989, or such subsequent date as the director may provide by rule 38 consistent with the purpose of this section, plus all of the 39 following items to the extent they are not included in or have been 40 deducted from adjusted gross income:

- 1 (a) Capital gains, other than gain excluded from income under 2 section 121 of the federal internal revenue code to the extent it is 3 reinvested in a new principal residence;
 - (b) Amounts deducted for loss;
 - (c) Amounts deducted for depreciation;
 - (d) Pension and annuity receipts;
- 7 (e) Military pay and benefits other than attendant-care and 8 medical-aid payments;
 - (f) Veterans benefits, other than:
- 10 (i) Attendant-care payments;
- 11 (ii) Medical-aid payments;
- 12 (iii) Disability compensation, as defined in Title 38, part 3, section 3.4 of the code of federal regulations, as of January 1,
- 14 2008; and

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- 15 (iv) Dependency and indemnity compensation, as defined in Title 16 38, part 3, section 3.5 of the code of federal regulations, as of 17 January 1, 2008;
- 18 (g) Federal social security act and railroad retirement benefits;
- 19 (h) Dividend receipts; and
- 20 (i) Interest received on state and municipal bonds.
- 21 (6) "Cotenant" means a person who resides with the person 22 claiming the exemption and who has an ownership interest in the 23 residence.
- (7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2005, or such subsequent date as the department may provide by rule consistent with the purpose of this section.
- 28 <u>(8) "Income threshold 1" means:</u>
- 29 <u>(a) For taxes levied for collection in calendar years prior to</u>
 30 <u>2022, a combined disposable income equal to thirty thousand dollars;</u>
 31 and
- 32 (b) For taxes levied for collection in calendar year 2022 and
 33 thereafter, a combined disposable income equal to the greater of
 34 "income threshold 1" for the previous year or forty-five percent of
 35 the county median household income, adjusted every five years
 36 beginning March 1, 2021, as provided in RCW 84.36.385(8).
- 37 (9) "Income threshold 2" means:
- 38 <u>(a) For taxes levied for collection in calendar years prior to</u>
- 39 2022, a combined disposable income equal to thirty-five thousand
- 40 dollars; and

- 1 (b) For taxes levied for collection in calendar year 2022 and thereafter, a combined disposable income equal to the greater of 3 "income threshold 2" for the previous year or fifty-five percent of the county median household income, adjusted every five years 4 beginning March 1, 2021, as provided in RCW 84.36.385(8). 5
 - (10) "Income threshold 3" means:

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- (a) For taxes levied for collection in calendar years prior to 7 2022, a combined disposable income equal to forty thousand dollars; 8 9 and
- (b) For taxes levied for collection in calendar year 2022 and 10 thereafter, a combined disposable income equal to the greater of 11 "income threshold 3" for the previous year or sixty-five percent of 12 the county median household income, adjusted every five years 13 beginning March 1, 2021, as provided in RCW 84.36.385(8). 14
- (11) "County median household income" means the median household 15 income estimates for the state of Washington by county of the legal 16 17 address of the principal place of residence, as published by the office of financial management. 18
- Sec. 4. RCW 84.36.385 and 2011 c 174 s 106 are each amended to 19 20 read as follows:
 - (1) A claim for exemption under RCW 84.36.381 as now or hereafter amended, may be made and filed at any time during the year for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue. However, an exemption from tax under RCW 84.36.381 continues for no more than six years unless a renewal application is filed as provided in subsection (3) of this section.
 - (2) A person granted an exemption under RCW 84.36.381 must inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.
 - (3) Each person exempt from taxes under RCW 84.36.381 in 1993 and thereafter (τ) must file with the county assessor a renewal application not later than December 31st of the year the assessor notifies such person of the requirement to file the application. Renewal applications must be on forms prescribed and furnished by the department of revenue.
- 38 (4) At least once every six years, the county assessor must notify those persons receiving an exemption from taxes under RCW 39 Code Rev/JA:akl 7 H-2559.1/19

84.36.381 of the requirement to file a renewal application. The county assessor may also require a renewal application following an amendment of the income requirements set forth in RCW 84.36.381.

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- (5) If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption must be denied but such denial is subject to appeal under the provisions of RCW 84.48.010 and in accordance with the provisions of RCW 84.40.038. If the applicant had received exemption in prior years based on erroneous information, the taxes must be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed five years.
- (6) The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information must be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties.
- 21 (7) The department must authorize an option for electronic filing of applications and renewal applications for the exemption under RCW 22 23 84.36.381.
 - (8) Beginning March 1, 2021, and by March 1st every fifth year thereafter, the department must publish updated income thresholds. The adjusted thresholds must be rounded to the nearest one dollar. If the income threshold adjustment is negative, the income threshold for the prior year continues to apply. The department must adjust income thresholds for each county to reflect the most recent year available of estimated county median household income, including preliminary estimates or projections, as published by the office of financial management. For the purposes of this subsection, "county median household income" has the same meaning as in RCW 84.36.383.
 - (9) Beginning December 1, 2021, and every fifth year thereafter, to assist the legislature in evaluating the extent to which the changes <u>under this act are uniformly and equitably benefiting</u> residential property owners across the state, the department, using data provided by county assessors, must submit a report to the legislature that includes the most recently available income thresholds for each county under RCW 84.36.381, the number of

- 1 <u>additional properties exempted under RCW 84.36.381 resulting from the</u>
- 2 changes under this act, and any other information the department
- 3 deems relevant to the legislature's evaluation of the efficacy of
- 4 this act in providing additional, uniform, and equitable statewide
- 5 <u>residential property tax relief.</u>

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- 6 **Sec. 5.** RCW 84.38.020 and 2006 c 62 s 2 are each amended to read 7 as follows:
 - ((Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
 - (1) (a) "Claimant" means a person who either elects or is required under RCW 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter.
- 17 <u>(b)</u> When two or more individuals of a household file or seek to 18 file a declaration to defer, they may determine between them as to 19 who <u>is</u> the claimant ((shall be)).
 - (2) (("Department" means the state department of revenue.
- 21 (3)) "Devisee" means any person designated in a will to receive 22 a disposition of real or personal property.
 - (3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.
 - (4) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.
 - (5) "Income threshold" means:
- 31 <u>(a) For taxes levied for collection in calendar years prior to</u>
 32 <u>2022, a combined disposable income equal to forty-five thousand</u>
 33 dollars; and
- 34 (b) For taxes levied for collection in calendar year 2022 or thereafter, a combined disposable income equal to the greater of the "income threshold" for the previous year, or seventy-five percent of the county median household income, adjusted every five years beginning March 1, 2021, as provided in RCW 84.36.385(8).

- 1 (6) "Local government" means any city, town, county, water-sewer 2 district, public utility district, port district, irrigation 3 district, flood control district, or any other municipal corporation, 4 quasi-municipal corporation, or other political subdivision 5 authorized to levy special assessments.
 - ((+5))) (7) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.
- $((\frac{(6)}{(6)}))$ (8) "Residence" has the meaning given in RCW 84.36.383.

- $((\frac{(7)}{(7)}))$ "Special assessment" means the charge or obligation 10 imposed by a local government upon property specially benefited.
- **Sec. 6.** RCW 84.38.030 and 2015 3rd sp.s. c 30 s 3 and 2015 c 86 12 s 313 are each reenacted and amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

- (1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381.
- (2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability as defined in RCW 84.36.383. However, any surviving spouse $((\Theta r))_L$ surviving domestic partner, heir, or devisee of a person who was receiving a deferral at the time of the person's death qualifies if the surviving spouse $((\Theta r))_L$ surviving domestic partner, heir, or devisee is fifty-seven years of age or older and otherwise meets the requirements of this section.
- (3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, ((of forty-five thousand dollars or less)) equal to or less than the income threshold.
- (4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community, owned by domestic partners, or owned by cotenants is deemed to be owned by each spouse, each domestic partner, or each cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value. However, if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred may not exceed one hundred percent of the claimant's equity value in the land or lot only.

- 8 (6) In the case of special assessment deferral, the claimant must 9 have opted for payment of such special assessments on the installment 10 method if such method was available.
- **Sec. 7.** RCW 84.38.070 and 2008 c 6 s 703 are each amended to 12 read as follows:

If the claimant declaring his or her intention to defer special assessments or real property tax obligations under this chapter ceases to reside permanently on the property for which the declaration to defer is made between the date of filing the declaration and December 15th of that year, the deferral otherwise allowable under this chapter ((shall)) is not ((be)) allowed on such tax roll. However, this section ((shall)) does not apply where the claimant dies, leaving a spouse ((er)), domestic partner, heir, or devisee surviving, who is also eligible for deferral of special assessment and/or property taxes.

- Sec. 8. RCW 84.38.130 and 2008 c 6 s 704 are each amended to read as follows:
- Special assessments and/or real property tax obligations deferred under this chapter ((shall)) become payable together with interest as provided in RCW 84.38.100:
 - (1) Upon the sale of property which has a deferred special assessment and/or real property tax lien upon it.
 - (2) Upon the death of the claimant with an outstanding deferred special assessment and/or real property tax lien except a surviving spouse ((or)), surviving domestic partner, heir, or devisee who is qualified under this chapter may elect to incur the special assessment and/or real property tax lien, which ((shall)) is then ((be)) payable by that spouse ((or that)), domestic partner, heir, or devisee as provided in this section.
- 37 (3) Upon the condemnation of property with a deferred special assessment and/or real property tax lien upon it by a public or Code Rev/JA:akl

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- private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070.
- 3 (4) At such time as the claimant ceases to reside permanently in 4 the residence upon which the deferral has been granted.
 - (5) Upon the failure of any condition set forth in RCW 84.38.030.
- 6 **Sec. 9.** RCW 84.38.150 and 2008 c 6 s 705 are each amended to read as follows:
 - (1) A surviving spouse ((er)), surviving domestic partner, heir, or devisee of the claimant may elect to continue the property in its deferred tax status if the property is the residence of the spouse ((er)), domestic partner, heir, or devisee of the claimant and the spouse ((er)), domestic partner, heir, or devisee meets the requirements of this chapter.
- 13 (2) The election under this section to continue the property in 14 15 its deferred status by the spouse ((or the)), domestic partner, heir, or devisee of the claimant ((shall)) must be filed in the same manner 16 as an original claim for deferral is filed under this chapter((, not 17 later than ninety days from the date of the claimant's death)). 18 Thereupon, the property with respect to which the deferral of special 19 20 assessments and/or real property taxes is claimed ((shall)) must 21 continue to be treated as deferred property. When the property has been continued in its deferred status by the filing of the spouse 22 ((or the)), domestic partner, heir, or devisee of the claimant of an 23 24 election under this section, the spouse ((or the)), domestic partner, heir, or devisee of the claimant may continue the property in its 25 deferred status in subsequent years by filing a claim under this 26 chapter so long as the spouse ((or the)), domestic partner, heir, or 27 28 devisee meets the qualifications set out in this section.
- NEW SECTION. Sec. 10. This act applies to taxes levied for collection in 2022 and thereafter.
- NEW SECTION. Sec. 11. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.
- 33 <u>NEW SECTION.</u> **Sec. 12.** This act takes effect March 1, 2021."
- 34 Correct the title.

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EFFECT: Eliminates the requirement that a Veteran must have a total disability rating to qualify for the property tax exemption program. Requires instead that a Veteran must have a combined service-connected evaluation rating of 80% or higher or have a total disability rating for a service-connected disability without regard to evaluation percent to qualify for the exemption program.

--- END ---