

HB 1366 - S COMM AMD
By Committee on Local Government

ADOPTED 04/12/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.145.110 and 2010 c 7 s 502 are each amended to
4 read as follows:

5 (1) The board of supervisors of a community facilities district
6 may impose special assessments on property located inside the
7 district and benefited by the facilities and improvements provided,
8 or to be provided, by a district, whether the facilities and
9 improvements are located inside or outside of the boundaries of the
10 proposed district. The requirements and powers of a district relating
11 to the formation, assessment, collection, foreclosure, and other
12 powers of a special assessment district are as set forth in chapters
13 35.43, 35.44, 35.49, and 35.50 RCW, except where otherwise addressed
14 under this chapter. In any case where the provisions of this chapter
15 conflict with the requirements under any other chapter that applies
16 to the formation, assessment, collection, foreclosure, or other
17 powers of a special assessment district, the provisions of this
18 chapter control.

19 (2) Except as otherwise expressly provided under this chapter,
20 the special assessments imposed and collected on property within a
21 district may not exceed the amount set forth in a petition or amended
22 petition approved in accordance with this chapter.

23 (3) The term of the special assessment is limited to the lesser
24 of (a) (~~twenty-eight~~) thirty-five years or (b) (~~two years less~~
25 ~~than~~) the full term of any bonds issued by or on behalf of the
26 district to which the assessments or other revenue of the district is
27 specifically dedicated, pledged, or obligated.

28 (4) The computation of special assessments must follow the
29 requirements of chapter 35.44 RCW, including the authority to use any
30 method or combination of methods to compute assessments which may be
31 deemed by the board of supervisors to fairly reflect the benefit to
32 the properties being assessed. The method of assessment may utilize

1 the supplemental authority granted under chapter 35.51 RCW. A
2 petition meeting the requirements of RCW 36.145.020 may provide for
3 the reduction or waiver of special assessments for low-income
4 households as that term is defined in RCW 36.130.010.

5 (5) The board must set a date, time, and place for hearing any
6 objections to the assessment roll, which hearing must occur no later
7 than one hundred twenty days from final approval of formation of the
8 district. Petitioners or representatives thereof serving on the board
9 of supervisors must not participate in the determination of the
10 special assessment roll or vote on the confirmation of that
11 assessment roll. The restriction in this subsection does not apply to
12 members of the board of supervisors appointed from among the
13 qualified professionals that petitioners may nominate under RCW
14 36.145.020(1)(h).

15 (6) The procedures and requirements for assessments, hearings on
16 the assessment roll, filing of objections to the assessment roll, and
17 appeals from the decision of the board approving or rejecting the
18 assessment roll, must be as set forth in RCW 35.44.010 through
19 35.44.020, 35.44.080 through 35.44.110, and 35.44.190 through
20 35.44.270.

21 (7) At the hearing on the assessment roll, and ~~((T))~~ in no event
22 later than thirty days after the day of the hearing, the board may
23 adopt a resolution approving the assessment roll or may correct,
24 revise, raise, lower, change, or modify the assessment roll or any
25 part thereof, and provide the petitioner with a detailed explanation
26 of the changes made by the board.

27 (8) If the assessment roll is revised by the board in any way,
28 then, within thirty days of the board's decision, the petitioner(s)
29 must unanimously make one of the following elections: (a) Rescind the
30 petition; or (b) accept the changes made by the board, upon which
31 occurrence the board must adopt a resolution approving the assessment
32 roll as modified by the board.

33 (9) Reassessments, assessments on omitted property, and
34 supplemental assessments are governed by the provisions set forth
35 under chapter 35.44 RCW.

36 (10) Any assessment approved under the provisions of this chapter
37 may be segregated upon a petition of one hundred percent of the
38 owners of the property subject to the assessment to be segregated.
39 The segregation must be made as nearly as possible on the same basis
40 as the original assessment was levied and approved by the board. The

1 board, in approving a petition for segregation and amendment of the
2 assessment roll, must do so in a fashion such that the total of the
3 segregated parts of the assessment equal the assessment before
4 segregation. As to any property originally entered upon the roll the
5 assessment upon which has not been raised, no objections to the
6 approval of the petition for segregation, the resulting assessment,
7 or the amended assessment roll may be considered by the jurisdiction
8 in which the district is located, the board, or by any court on
9 appeal. Assessments must be collected in districts pursuant to the
10 district's previous assessment roll until the amendment to the
11 assessment roll is finalized under this section.

12 (11) Except as provided under chapter 35.44 RCW, assessments may
13 not be increased without the approval of one hundred percent of the
14 property owners subject to the proposed increase.

15 (12) Special assessments must be collected by the district
16 treasurer determined in accordance with RCW 36.145.140.

17 (13) A notice of any special assessment imposed under this
18 chapter must be provided to the owner of the assessed property, not
19 less than once per year, with the following appearing at the top of
20 the page in at least fourteen point, bold font:

21 ******NOTICE******

22
23 **THIS PROPERTY IS SUBJECT TO THE ASSESSMENTS ITEMIZED BELOW AND**
24 **APPROVED BY COMMUNITY FACILITIES DISTRICT # AS THE OWNER**
25 **OR POTENTIAL BUYER OF THIS PROPERTY, YOU ARE, OR WOULD BE,**
26 **RESPONSIBLE FOR PAYMENT OF THE AMOUNTS ITEMIZED BELOW.**

27 **PLEASE REFER TO RCW 36.145.110 OR CONTACT YOUR COUNTY AUDITOR FOR**
28 **ADDITIONAL INFORMATION.**

29 (14) The district treasurer responsible for collecting special
30 assessments may account for the costs of handling the assessments and
31 may collect a fee not to exceed the measurable costs incurred by the
32 treasurer.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C
34 RCW to read as follows:

35 The formation of a community facilities district under chapter
36 36.145 RCW is exempted from compliance with this chapter, unless such
37 formation constitutes a final agency decision to undertake

1 construction of a structure or facility not otherwise exempt under
2 state law or rule."

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3 On page 1, line 2 of the title, after "districts;" strike the
4 remainder of the title and insert "amending RCW 36.145.110; and
5 adding a new section to chapter 43.21C RCW."

EFFECT: Removes the provision allowing qualified professionals
appointed to the board of supervisors to be paid reasonable
compensation in accordance with their professional expertise.

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