
SECOND SUBSTITUTE HOUSE BILL 1105

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Orwall, Ryu, Wylie, Pollet, Stanford, and Frame)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to protecting taxpayers from home foreclosure;
2 amending RCW 84.56.020, 84.64.225, 36.35.110, and 84.64.050; adding
3 new sections to chapter 84.56 RCW; adding a new section to chapter
4 36.29 RCW; adding a new section to chapter 36.21 RCW; adding a new
5 chapter to Title 36 RCW; and providing an effective date.

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

7 **Sec. 1.** RCW 84.56.020 and 2017 c 142 s 1 are each amended to
8 read as follows:

9 **Treasurers' tax collection duties.**

10 (1) The county treasurer must be the receiver and collector of
11 all taxes extended upon the tax rolls of the county, whether levied
12 for state, county, school, bridge, road, municipal or other purposes,
13 and also of all fines, forfeitures or penalties received by any
14 person or officer for the use of his or her county. No treasurer may
15 accept tax payments or issue receipts for the same until the
16 treasurer has completed the tax roll for the current year's
17 collection and provided notification of the completion of the roll.
18 Notification may be accomplished electronically, by posting a notice
19 in the office, or through other written communication as determined
20 by the treasurer. All real and personal property taxes and
21 assessments made payable by the provisions of this title are due and

1 payable to the county treasurer on or before the thirtieth day of
2 April and, except as provided in this section, are delinquent after
3 that date.

4 **Tax statements.**

5 (2) (a) Tax statements for the current year's collection must be
6 distributed to each taxpayer on or before March 15th provided that:

7 (i) All city and other taxing district budgets have been
8 submitted to county legislative authorities by November 30th per RCW
9 84.52.020;

10 (ii) The county legislative authority in turn has certified taxes
11 levied to the county assessor by November 30th per RCW 84.52.070; and

12 (iii) The county assessor has delivered the tax roll to the
13 county treasurer by January 15th per RCW 84.52.080.

14 (b) Each tax statement must include a notice that checks for
15 payment of taxes may be made payable to "Treasurer of
16 County" or other appropriate office, but tax statements may not
17 include any suggestion that checks may be made payable to the name of
18 the individual holding the office of treasurer nor any other
19 individual.

20 (c) Each tax statement distributed to an address must include a
21 notice with information describing the:

22 (i) Property tax exemption program pursuant to RCW 84.36.379
23 through 84.36.389; and

24 (ii) Property tax deferral program pursuant to chapter 84.38 RCW.

25 **Tax payment due dates.**

26 **On-time tax payments: First-half taxes paid by April 30th and**
27 **second-half taxes paid by October 31st.**

28 (3) When the total amount of tax or special assessments on
29 personal property or on any lot, block or tract of real property
30 payable by one person is fifty dollars or more, and if one-half of
31 such tax is paid on or before the thirtieth day of April, the
32 remainder of such tax is due and payable on or before the following
33 thirty-first day of October and is delinquent after that date.

34 **Delinquent tax payments for current year: First-half taxes paid**
35 **after April 30th.**

36 (4) When the total amount of tax or special assessments on any
37 lot, block or tract of real property or on any mobile home payable by
38 one person is fifty dollars or more, and if one-half of such tax is
39 paid after the thirtieth day of April but before the thirty-first day
40 of October, together with the applicable interest and penalty on the

1 full amount of tax payable for that year, the remainder of such tax
2 is due and payable on or before the following thirty-first day of
3 October and is delinquent after that date.

4 **Delinquent tax payments: Interest, penalties, and treasurer**
5 **duties.**

6 (5) Except as provided in (c) of this subsection, delinquent
7 taxes under this section are subject to interest at the rate of
8 twelve percent per annum computed on a monthly basis on the amount of
9 tax delinquent from the date of delinquency until paid. Interest must
10 be calculated at the rate in effect at the time of the tax payment,
11 regardless of when the taxes were first delinquent. In addition,
12 delinquent taxes under this section are subject to penalties as
13 follows:

14 (a) A penalty of three percent of the amount of tax delinquent is
15 assessed on the tax delinquent on June 1st of the year in which the
16 tax is due.

17 (b) An additional penalty of eight percent is assessed on the
18 delinquent tax amount on December 1st of the year in which the tax is
19 due.

20 (c) If a taxpayer is successfully participating in a payment
21 agreement under subsection (~~((12))~~) (15)(b) of this section or a
22 partial payment program pursuant to subsection (~~((13))~~) (15)(c) of
23 this section, the county treasurer may not assess additional
24 penalties on delinquent taxes that are included within the payment
25 agreement. Interest and penalties that have been assessed prior to
26 the payment agreement remain due and payable as provided in the
27 payment agreement.

28 (6) A county treasurer must provide notification to each taxpayer
29 whose taxes have become delinquent under subsections (4) and (5) of
30 this section. The delinquency notice must specify where the taxpayer
31 can obtain:

32 (a) Any current tax or special assessments due as of the date of
33 the notice;

34 (b) Any delinquent tax or special assessments due, including any
35 penalties and interest, as of the date of the notice; and

36 (c) Where the taxpayer pays his or her property taxes directly,
37 the contact information, including but not limited to the phone
38 number, for the statewide foreclosure hotline recommended by the
39 Washington state housing finance commission.

1 (7) Within ninety days, after the expiration of two years from
2 the date of delinquency (when a taxpayer's taxes have become
3 delinquent), the county treasurer must provide the name and property
4 address of the delinquent taxpayer to a homeownership resource center
5 or any other designated local or state entity recommended by the
6 Washington state housing finance commission.

7 **Collection of foreclosure costs.**

8 (8)(a) When real property taxes become delinquent and prior to
9 the filing of the certificate of delinquency, the treasurer is
10 authorized to assess and collect tax foreclosure avoidance costs.

11 ~~(b) ((For the purposes of this section, "tax foreclosure~~
12 ~~avoidance costs" means those direct costs associated with the~~
13 ~~administration of properties subject to and prior to foreclosure. Tax~~
14 ~~foreclosure avoidance costs include:~~

15 ~~(i) Compensation of employees for the time devoted to~~
16 ~~administering the avoidance of property foreclosure; and~~

17 ~~(ii) The cost of materials, services, or equipment acquired,~~
18 ~~consumed, or expended in administering tax foreclosure avoidance~~
19 ~~prior to the filing of a certificate of delinquency.~~

20 ~~(e))~~ When tax foreclosure avoidance costs are collected, such
21 costs must be credited to the county treasurer service fund account,
22 except as otherwise directed.

23 ~~((d))~~ (c) For purposes of chapter 84.64 RCW, any taxes,
24 interest, or penalties deemed delinquent under this section remain
25 delinquent until such time as all taxes, interest, and penalties for
26 the tax year in which the taxes were first due and payable have been
27 paid in full.

28 ~~((7))~~ **Periods of armed conflict.**

29 (9) Subsection (5) of this section notwithstanding, no interest
30 or penalties may be assessed during any period of armed conflict
31 regarding delinquent taxes imposed on the personal residences owned
32 by active duty military personnel who are participating as part of
33 one of the branches of the military involved in the conflict and
34 assigned to a duty station outside the territorial boundaries of the
35 United States.

36 ~~((8))~~ **State of emergency.**

37 (10) During a state of emergency declared under RCW
38 43.06.010(12), the county treasurer, on his or her own motion or at
39 the request of any taxpayer affected by the emergency, may grant

1 extensions of the due date of any taxes payable under this section as
2 the treasurer deems proper.

3 ~~((9))~~ **Retention of funds from interest.**

4 (11) All collections of interest on delinquent taxes must be
5 credited to the county current expense fund.

6 ~~((10))~~ (12) For purposes of this chapter, "interest" means both
7 interest and penalties.

8 ~~((11))~~ **Retention of funds from property foreclosures and sales.**

9 (13) The direct cost of foreclosure and sale of real property,
10 and the direct fees and costs of distraint and sale of personal
11 property, for delinquent taxes, must, when collected, be credited to
12 the operation and maintenance fund of the county treasurer
13 prosecuting the foreclosure or distraint or sale; and must be used by
14 the county treasurer as a revolving fund to defray the cost of
15 further foreclosure, distraint, and sale because of delinquent taxes
16 without regard to budget limitations and not subject to indirect
17 costs of other charges.

18 ~~((12)(a))~~ **Tax due dates and options for tax payment**
19 **collections.**

20 **Electronic billings and payments.**

21 (14) For purposes of this chapter, and in accordance with this
22 section and RCW 36.29.190, the treasurer may collect taxes,
23 assessments, fees, rates, interest, and charges by electronic billing
24 and payment. Electronic billing and payment may be used as an option
25 by the taxpayer, but the treasurer may not require the use of
26 electronic billing and payment. Electronic bill presentment and
27 payment may be on a monthly or other periodic basis as the treasurer
28 deems proper for:

29 (a) Delinquent tax year payments ~~((only or for))~~; and

30 (b) Prepayments of current tax.

31 **Tax payments.**

32 **Prepayment for current taxes.**

33 (15)(a) The treasurer may accept prepayments for current year
34 taxes by any means authorized. All prepayments must be paid in full
35 by the due date specified in ~~((e) of this)~~ subsection (16) of this
36 section. ~~((Payments on past due taxes must include collection of the~~
37 ~~oldest delinquent year, which includes interest and taxes within a~~
38 ~~twelve-month period, prior to filing a certificate of delinquency~~
39 ~~under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.))~~

40 **Payment agreements for current year taxes.**

1 (b) (i) The treasurer may provide, by electronic means or
2 otherwise, a payment agreement that provides for payment of current
3 year taxes, inclusive of prepayment collection charges. The payment
4 agreement must be signed by the taxpayer and treasurer or the
5 treasurer's deputy prior to the sending of an electronic or
6 alternative bill, which includes a payment plan for current year
7 taxes.

8 **Payment agreements for delinquent year taxes.**

9 (ii) (A) The treasurer may provide, by electronic means or
10 otherwise, a payment agreement for payment of past due
11 delinquencies (~~(, which must also require current year taxes to be~~
12 ~~paid timely)).~~ The payment agreement must be signed by the taxpayer
13 and treasurer or the treasurer's deputy prior to the sending of an
14 electronic or alternative bill, which includes a payment plan for
15 ~~((current year taxes. The treasurer may accept partial payment of~~
16 ~~current and delinquent taxes including interest and penalties using~~
17 ~~electronic bill presentment and payments.~~

18 ~~(e))~~ past due delinquent taxes and charges.

19 (B) Tax payments received by a treasurer for delinquent year
20 taxes from a taxpayer participating on a payment agreement must be
21 applied first to the oldest delinquent year unless such taxpayer
22 requests otherwise.

23 **Partial payments: Acceptance of partial payments for current and**
24 **delinquent taxes.**

25 (c) (i) In addition to the payment agreement program in (b) of
26 this subsection, the treasurer may accept partial payment of any
27 current and delinquent taxes including interest and penalties by any
28 means authorized including electronic bill presentment and payments.

29 (ii) All tax payments received by a treasurer for delinquent year
30 taxes from a taxpayer paying a partial payment must be applied first
31 to the oldest delinquent year unless such taxpayer requests
32 otherwise.

33 **Payment for delinquent taxes.**

34 (d) Payments on past due taxes must include collection of the
35 oldest delinquent year, which includes interest and taxes within a
36 twelve-month period, prior to filing a certificate of delinquency
37 under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

38 **Due date for tax payments.**

39 (16) All taxes upon real and personal property made payable by
40 the provisions of this title are due and payable to the treasurer on

1 or before the thirtieth day of April and are delinquent after that
2 date. The remainder of the tax is due and payable on or before the
3 following thirty-first of October and is delinquent after that date.
4 All other assessments, fees, rates, and charges are delinquent after
5 the due date.

6 ~~((d))~~ **Electronic funds transfers.**

7 (17) A county treasurer may authorize payment of:

8 (a) Any current property taxes due under this chapter by
9 electronic funds transfers on a monthly or other periodic basis; and

10 (b) Any past due property taxes, penalties, and interest under
11 this chapter by electronic funds transfers on a monthly or other
12 periodic basis. Delinquent taxes are subject to interest and
13 penalties, as provided in subsection (5) of this section. All tax
14 payments received by a treasurer from a taxpayer paying delinquent
15 year taxes must be applied first to the oldest delinquent year unless
16 such taxpayer requests otherwise.

17 ~~((e))~~ **Payment for administering prepayment collections.**

18 (18) The treasurer must pay any collection costs, investment
19 earnings, or both on past due payments or prepayments to the credit
20 of a county treasurer service fund account to be created and used
21 only for the payment of expenses incurred by the treasurer, without
22 limitation, in administering the system for collecting prepayments.

23 ~~((13) In addition to the payment program in subsection (12) (b)~~
24 ~~of this section, the treasurer may accept partial payment of current~~
25 ~~and delinquent taxes including interest and penalties by any means~~
26 ~~authorized.~~

27 ~~(14) For purposes of this section unless the context clearly~~
28 ~~requires otherwise, the following definitions apply:))~~

29 **Definitions.**

30 (19) The definitions in this subsection apply throughout this
31 section unless the context clearly requires otherwise.

32 (a) "Electronic billing and payment" means statements, invoices,
33 or bills that are created, delivered, and paid using the internet.
34 The term includes an automatic electronic payment from a person's
35 checking account, debit account, or credit card.

36 (b) "Internet" has the same meaning as provided in RCW
37 19.270.010.

38 (c) "Tax foreclosure avoidance costs" means those direct costs
39 associated with the administration of properties subject to and prior
40 to foreclosure. Tax foreclosure avoidance costs include:

1 (i) Compensation of employees for the time devoted to
2 administering the avoidance of property foreclosure; and

3 (ii) The cost of materials, services, or equipment acquired,
4 consumed, or expended in administering tax foreclosure avoidance
5 prior to the filing of a certificate of delinquency.

6 NEW SECTION. Sec. 2. (1) The county legislative authority must
7 levy a foreclosure avoidance fee of fifty cents against each billable
8 real property account that receives a tax statement. This
9 "foreclosure avoidance fee" is distinct and separate from the "tax
10 foreclosure avoidance costs" as defined in RCW 84.56.020.

11 (2) Each county must annually remit the receipts from the
12 foreclosure avoidance fee collected during that year to the state
13 treasurer for deposit in the homeowner protection account.

14 NEW SECTION. Sec. 3. A new section is added to chapter 84.56
15 RCW to read as follows:

16 (1) The homeowner protection account is created in the custody of
17 the state treasurer. All receipts received under section 2 of this
18 act must be deposited into the account. Only the director of the
19 department of commerce or the director's designee may authorize
20 expenditures from the account. Funding to agencies and organizations
21 under this section must be provided by the department through an
22 interagency agreement or other applicable contract instrument to fund
23 the counselor referral hotline created under chapter 61.24 RCW,
24 housing rescue loans, and housing counseling activities including
25 legal aid. Priority for funds from the foreclosure avoidance fees in
26 the homeowner protection account must be given to the counselor
27 referral hotline created under chapter 61.24 RCW and housing
28 counseling. The account is subject to allotment procedures under
29 chapter 43.88 RCW, but an appropriation is not required for
30 expenditures.

31 **Sec. 4.** RCW 84.64.225 and 2015 c 95 s 11 are each amended to
32 read as follows:

33 (1) In lieu of the sale procedure specified in RCW 84.56.070 or
34 84.64.080, the county treasurer may conduct a public auction sale by
35 electronic media as provided in RCW 36.16.145.

36 (2) Notice of a public auction sale by electronic media must be
37 substantially in the following form:

TAX JUDGMENT SALE BY ELECTRONIC MEDIA

Public notice is hereby given that pursuant to a tax judgment of the superior court of the county of in the state of Washington, and an order of sale duly issued by the court, entered the day of,, in proceedings for foreclosure of tax liens, I shall on the day of,, commencing at o'clock, at . . [specify web site address], sell the property to the highest and best bidder to satisfy the full amount of taxes, interest, and costs adjudged to be due. Prospective bidders must deposit to participate in bidding. A deposit paid by a winning bidder will be applied to the balance due. However, a winning bidder who does not comply with the terms of sale will forfeit the deposit. Deposits paid by nonwinning bidders will be refunded within ten business days of the close of the sale. Payment of deposits and a winning bid must be made by electronic funds transfer. In the case of an online public auction sale by electronic media as provided in RCW 36.16.145, a winning bidder is allowed no less than forty-eight hours to pay the winning bid by electronic funds transfer.

In witness whereof, I have affixed my hand and seal this day of,

Treasurer of county.

Sec. 5. RCW 36.35.110 and 2013 c 221 s 2 are each amended to read as follows:

(1) No claims are allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes must at the time of deeding the property be thereby canceled. However, the proceeds of any sale of any property acquired by the county by tax deed must first be applied to reimburse the county for the costs of foreclosure and sale. The remainder of the proceeds, if any, must be applied to pay any amounts deferred under chapter 84.37 or 84.38 RCW on the property, including accrued interest, and outstanding at the time the county acquired the property by tax deed. The remainder of the proceeds, if any, must be justly apportioned to the various funds existing at the date of the sale, in the territory in which such

1 property is located, according to the tax levies of the year last in
2 process of collection.

3 (2) For purposes of this section, "costs of foreclosure and sale"
4 means those costs of foreclosing on the property that, when
5 collected, are subject to RCW 84.56.020(~~((+9))~~) (13), and the direct
6 costs incurred by the county in selling the property.

7 **Sec. 6.** RCW 84.64.050 and 2013 c 221 s 12 are each amended to
8 read as follows:

9 (1) Except as provided in subsection (7) of this section, after
10 the expiration of three years from the date of delinquency, when any
11 property remains on the tax rolls for which no certificate of
12 delinquency has been issued, the county treasurer must proceed to
13 issue certificates of delinquency on the property to the county for
14 all years' taxes, interest, and costs. However, the county treasurer,
15 with the consent of the county legislative authority, may elect to
16 issue a certificate for fewer than all years' taxes, interest, and
17 costs to a minimum of the taxes, interest, and costs for the earliest
18 year.

19 (2) Certificates of delinquency are prima facie evidence that:

20 (a) The property described was subject to taxation at the time
21 the same was assessed;

22 (b) The property was assessed as required by law;

23 (c) The taxes or assessments were not paid at any time before the
24 issuance of the certificate;

25 (d) Such certificate has the same force and effect as a lis
26 pendens required under chapter 4.28 RCW.

27 (3) The county treasurer may include in the certificate of
28 delinquency any assessments which are due on the property and are the
29 responsibility of the county treasurer to collect. However, if the
30 department of revenue has previously notified the county treasurer in
31 writing that the property has a lien on it for deferred property
32 taxes, the county treasurer must include in the certificate of
33 delinquency any amounts deferred under chapters 84.37 and 84.38 RCW
34 that remain unpaid, including accrued interest and costs.

35 (4) The treasurer must file the certificates when completed with
36 the clerk of the court at no cost to the treasurer, and the treasurer
37 must thereupon, with legal assistance from the county prosecuting
38 attorney, proceed to foreclose in the name of the county, the tax
39 liens embraced in such certificates. Notice and summons must be

1 served or notice given in a manner reasonably calculated to inform
2 the owner or owners, and any person having a recorded interest in or
3 lien of record upon the property, of the foreclosure action to appear
4 within thirty days after service of such notice and defend such
5 action or pay the amount due. Either (a) personal service upon the
6 owner or owners and any person having a recorded interest in or lien
7 of record upon the property, or (b) publication once in a newspaper
8 of general circulation, which is circulated in the area of the
9 property and mailing of notice by certified mail to the owner or
10 owners and any person having a recorded interest in or lien of record
11 upon the property, or, if a mailing address is unavailable, personal
12 service upon the occupant of the property, if any, is sufficient. If
13 such notice is returned as unclaimed, the treasurer must send notice
14 by regular first-class mail. The notice must include the legal
15 description on the tax rolls, the year or years for which assessed,
16 the amount of tax and interest due, and the name of owner, or reputed
17 owner, if known, and the notice must include the local street
18 address, if any, for informational purposes only. The certificates of
19 delinquency issued to the county may be issued in one general
20 certificate in book form including all property, and the proceedings
21 to foreclose the liens against the property may be brought in one
22 action and all persons interested in any of the property involved in
23 the proceedings may be made codefendants in the action, and if
24 unknown may be therein named as unknown owners, and the publication
25 of such notice is sufficient service thereof on all persons
26 interested in the property described therein, except as provided
27 above. The person or persons whose name or names appear on the
28 treasurer's rolls as the owner or owners of the property must be
29 considered and treated as the owner or owners of the property for the
30 purpose of this section, and if upon the treasurer's rolls it appears
31 that the owner or owners of the property are unknown, then the
32 property must be proceeded against, as belonging to an unknown owner
33 or owners, as the case may be, and all persons owning or claiming to
34 own, or having or claiming to have an interest therein, are hereby
35 required to take notice of the proceedings and of any and all steps
36 thereunder. However, prior to the sale of the property, the treasurer
37 must order or conduct a title search of the property to be sold to
38 determine the legal description of the property to be sold and the
39 record title holder, and if the record title holder or holders differ
40 from the person or persons whose name or names appear on the

1 treasurer's rolls as the owner or owners, the record title holder or
2 holders must be considered and treated as the owner or owners of the
3 property for the purpose of this section, and are entitled to the
4 notice provided for in this section. Such title search must be
5 included in the costs of foreclosure.

6 (5) If the title search required by subsection (4) of this
7 section reveals a lien in favor of the state for deferred taxes on
8 the property under RCW 84.37.070 or 84.38.100 and such deferred taxes
9 are not already included in the certificate of delinquency, the
10 county treasurer must issue an amended certificate of delinquency on
11 the property to include the outstanding amount of deferred taxes,
12 including accrued interest. The amended certificate of delinquency
13 must be filed with the clerk of the court as provided in subsection
14 (4) of this section.

15 (6) The county treasurer may not sell property that is eligible
16 for deferral of taxes under chapter 84.38 RCW but must require the
17 owner of the property to file a declaration to defer taxes under
18 chapter 84.38 RCW.

19 (7) Except those parcels where the local governing entity has
20 declared and/or certified the parcel a nuisance affecting public
21 peace, safety, and welfare, or other similar code provision, in no
22 case may a certificate of delinquency be filed on property where the
23 tax delinquency under chapter 84.56 RCW is one hundred dollars or
24 less in total excluding interest and penalties.

25 NEW SECTION. Sec. 7. A new section is added to chapter 84.56
26 RCW to read as follows:

27 (1) If a taxpayer requests assistance for payment of current year
28 or delinquent taxes, the county assessor, if applicable, must:

29 (a) Assist the taxpayer in applying for a property tax exemption
30 program under RCW 84.36.379 through 84.36.389;

31 (b) Assist the taxpayer in applying for the property tax deferral
32 program under chapter 84.38 RCW; or

33 (c) Refer the taxpayer to a homeownership resource center.

34 (2) A county treasurer may also refer a taxpayer requesting tax
35 payment assistance to the county assessor's office under subsection
36 (1) of this section.

37 NEW SECTION. Sec. 8. A new section is added to chapter 36.29
38 RCW to read as follows:

1 (1) The county treasurer must post a notice describing the:
2 (a) Property tax exemption program pursuant to RCW 84.36.379
3 through 84.36.389; and
4 (b) Property tax deferral program pursuant to chapter 84.38 RCW.
5 (2) The notice required under subsection (1) of this section must
6 be posted in a location visible to the public.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.21
8 RCW to read as follows:

9 (1) The county assessor must post a notice describing the:
10 (a) Property tax exemption program pursuant to RCW 84.36.379
11 through 84.36.389; and
12 (b) Property tax deferral program pursuant to chapter 84.38 RCW.
13 (2) The notice required under subsection (1) of this section must
14 be posted in a location visible to the public.

15 NEW SECTION. **Sec. 10.** Section 2 of this act constitutes a new
16 chapter in Title 36 RCW.

17 NEW SECTION. **Sec. 11.** This act takes effect January 1, 2020.

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