
HOUSE BILL 2748

State of Washington

52nd Legislature

1992 Regular Session

By Representatives P. Johnson, Sheldon, Wynne, Bowman, Morton, Brumsickle, Ballard, Zellinsky, Lisk, Wilson, Tate, Paris, Miller, Winsley, Brough, Wood, Ludwig, Basich, Carlson, Kremen, Rayburn, Mitchell, Forner and Edmondson

Read first time 01/27/92. Referred to Committee on Revenue.

1 AN ACT Relating to ownership and occupancy qualifications for the
2 senior citizen and retired person property tax exemption; amending RCW
3 84.38.030; reenacting and amending RCW 84.36.381; and creating a new
4 section.

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

6 **Sec. 1.** RCW 84.36.381 and 1991 c 213 s 3 and 1991 c 203 s 1 are
7 each reenacted and amended to read as follows:

8 A person shall be exempt from any legal obligation to pay all or a
9 portion of the amount of excess and regular real property taxes due and
10 payable in the year following the year in which a claim is filed, and
11 thereafter, in accordance with the following:

12 (1) The property taxes must have been imposed upon a residence
13 which (~~was~~) is occupied by the person claiming the exemption as a
14 principal place of residence as of (~~January 1st~~) December 31st of the

1 year (~~for~~) in which the exemption claim is (~~elaimed~~) filed:
2 PROVIDED, That any person who sells, transfers, or is displaced from
3 his or her residence may transfer his or her exemption status to a
4 replacement residence, but no claimant shall receive an exemption on
5 more than one residence in any year: PROVIDED FURTHER, That
6 confinement of the person to a hospital or nursing home shall not
7 disqualify the claim of exemption if the residence is temporarily
8 unoccupied or if the residence is occupied by a spouse and/or a person
9 financially dependent on the claimant for support;

10 (2) The person claiming the exemption must (~~have owned, at the~~
11 ~~time of filing~~) own as of December 31st of the year in which the
12 exemption claim is filed, in fee, as a life estate, or by contract
13 purchase, the residence on which the property taxes have been imposed
14 or if the person claiming the exemption lives in a cooperative housing
15 association, corporation, or partnership, such person must own a share
16 therein representing the unit or portion of the structure in which he
17 or she resides. For purposes of this subsection, a residence owned by
18 a marital community or owned by cotenants shall be deemed to be owned
19 by each spouse or cotenant, and any lease for life shall be deemed a
20 life estate;

21 (3) The person claiming the exemption must be sixty-one years of
22 age or older on December 31st of the year in which the exemption claim
23 is filed, or must have been, at the time of filing, retired from
24 regular gainful employment by reason of physical disability: PROVIDED,
25 That any surviving spouse of a person who was receiving an exemption at
26 the time of the person's death shall qualify if the surviving spouse is
27 fifty-seven years of age or older and otherwise meets the requirements
28 of this section;

29 (4) The amount that the person shall be exempt from an obligation
30 to pay shall be calculated on the basis of combined disposable income,

1 as defined in RCW 84.36.383. If the person claiming the exemption was
2 retired for two months or more of the preceding year, the combined
3 disposable income of such person shall be calculated by multiplying the
4 average monthly combined disposable income of such person during the
5 months such person was retired by twelve.

6 (5)(a) A person who otherwise qualifies under this section and has
7 a combined disposable income of twenty-six thousand dollars or less
8 shall be exempt from all excess property taxes; and

9 (b)(i) A person who otherwise qualifies under this section and has
10 a combined disposable income of eighteen thousand dollars or less but
11 greater than fifteen thousand dollars shall be exempt from all regular
12 property taxes on the greater of thirty thousand dollars or thirty
13 percent of the valuation of his or her residence, but not to exceed
14 fifty thousand dollars of the valuation of his or her residence; or

15 (ii) A person who otherwise qualifies under this section and has a
16 combined disposable income of fifteen thousand dollars or less shall be
17 exempt from all regular property taxes on the greater of thirty-four
18 thousand dollars or fifty percent of the valuation of his or her
19 residence.

20 **Sec. 2.** RCW 84.38.030 and 1991 c 213 s 2 are each amended to read
21 as follows:

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

26 (1) The claimant must meet all requirements for an exemption for
27 the residence under RCW 84.36.381, other than the income limits.

28 (2) The claimant must have a combined disposable income, as defined
29 in RCW 84.36.383, of thirty thousand dollars or less.

1 (3) The claimant must (~~have owned, at the time of filing~~) own as
2 of December 31st of the year in which the deferral claim is filed, the
3 residence on which the special assessment and/or real property taxes
4 have been imposed. For purposes of this subsection, a residence owned
5 by a marital community or owned by cotenants shall be deemed to be
6 owned by each spouse or cotenant. A claimant who has only a share
7 ownership in cooperative housing, a life estate, a lease for life, or
8 a revocable trust does not satisfy the ownership requirement.

9 (4) The claimant must have and keep in force fire and casualty
10 insurance in sufficient amount to protect the interest of the state in
11 the claimant's equity value: PROVIDED, That if the claimant fails to
12 keep fire and casualty insurance in force to the extent of the state's
13 interest in the claimant's equity value, the amount deferred shall not
14 exceed one hundred percent of the claimant's equity value in the land
15 or lot only.

16 (5) In the case of special assessment deferral, the claimant must
17 have opted for payment of such special assessments on the installment
18 method if such method was available.

19 NEW SECTION. **Sec. 3.** This act shall be effective for taxes
20 levied for collection in 1993 and thereafter.