

## WSR 16-04-101

## EXPEDITED RULES

## DEPARTMENT OF REVENUE

[Filed February 2, 2016, 8:58 a.m.]

Title of Rule and Other Identifying Information: WAC 458-07-010 Valuation and revaluation of real property—Introduction, 458-07-015 Revaluation of real property—~~Annual counties~~, and 458-07-020 Revaluation of real property—Multiyear counties (repeal).

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mark E. Bohe, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, AND RECEIVED BY April 4, 2016.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To incorporate legislative changes from SSB 5275, 2015 regular session (sections 102 through 104, chapter 86, Laws of 2015). Further, language contained in repealed WAC 458-07-020 was transferred to WAC 458-07-015 at new subsection (5), with clarifying language that the revaluation is "after a value is certified for the current year."

Copies of draft rules are available for viewing and printing on our web site at Rules Agenda.

Reasons Supporting Proposal: Updates WAC 458-07-010 and 458-07-015 to incorporate legislative changes from SSB 5275, 2015 regular session (chapter 86, Laws of 2015); and repeals WAC 458-07-020 due to the same legislative changes.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.52.0502, and 84.55.010.

Statute Being Implemented: RCW 84.41.030, 84.41.041, and 84.48.034.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Mark Bohe, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1574; Implementation and Enforcement: Marcus Glasper, 1025 Union Avenue S.E., Suite #500, Olympia, WA, (360) 534-1615.

February 2, 2016  
Kevin Dixon  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 00-01-043, filed 12/7/99, effective 1/7/00)

**WAC 458-07-010 Valuation and revaluation of real property—Introduction.** The Washington state Constitution requires that all taxes be uniform upon the same class of property within the territorial limits of the authority levying the tax. In order to comply with this constitutional mandate and ensure that all taxes are uniform, all real property must be valued in a manner consistent with this principle of uniformity. Also, to comply with statutory and case law, the county assessor must value all taxable real property in the county on a regular, systematic, and continuous basis. ~~((This valuation may be accomplished on an annual basis for all real property in the county, or it may be accomplished on a multiyear basis with all the real property in the county revalued within a time period of not more than four years. Whether on an annual basis or a multiyear basis,))~~ All taxable real property within a county must be valued or revalued annually, and all taxable real property within a county must be physically inspected at least once every six years. The assessor must adhere to a revaluation plan that will ensure equality and uniformity in the valuation of real property, and must use proper appraisal methods. The administrative rules in this chapter describe and explain the processes to be used by the county assessor in valuing and revaluing real property for purposes of taxation.

AMENDATORY SECTION (Amending WSR 00-01-043, filed 12/7/99, effective 1/7/00)

**WAC 458-07-015 Revaluation of real property(~~—Annual counties~~)).** (1) **Appropriate statistical data defined.** ~~((In any county where all real property is revalued each year,))~~ The assessor must revalue the property at its current true and fair value using appropriate statistical data. For purposes of this chapter, "appropriate statistical data" means the data required to accurately adjust real property values and includes, but is not limited to, data reflecting costs of new construction and real property market trends.

(2) **Comparable sales data.** In gathering appropriate statistical data and determining real property market trends, the assessor must consider current sales data. "Current sales data" means sales of real property that occurred within the past five years of the date of appraisal and may include sales that occur in the assessment year. To the extent feasible, and in accordance with generally accepted appraisal practices, the assessor shall compile the statistical data into categories of comparable properties. Comparability is most often determined by similar use and location and may be based upon the following use classifications:

- (a) Single family residential;
- (b) Residential with from two to four units;
- (c) Residential with more than four units;
- (d) Residential hotels, condominiums;
- (e) Hotels and motels;
- (f) Vacation homes and cabins;
- (g) Retail trade;
- (h) Warehousing;
- (i) Office and professional service;
- (j) Commercial other than listed;
- (k) Manufacturing;

- (l) Agricultural; and
- (m) Other classifications as necessary.

(3) **Appraisal processes.** Appropriate statistical data shall be applied to revalue real property to current true and fair value using one or more of the following processes:

- (a) Multiple or linear regression;
- (b) Sales ratios;
- (c) Physical inspection; or

(d) Any other appropriate statistical method that is recognized and accepted with respect to the appraisal of real property for purposes of taxation.

(4) **Physical inspection cycles.**

(a) For purposes of this chapter, "physical inspection" means, at a minimum, an exterior observation of the property to determine whether there have been any changes in the physical characteristics that affect value. The property improvement record must be appropriately documented in accordance with the findings of the physical inspection. ~~((In a county where all real property is revalued at its current true and fair value each year, using appropriate statistical data,))~~ The assessor must physically inspect all real property at least once within a six-year time period.

(b) Physical inspection of all the property in the county shall be accomplished on a proportional basis in cycle, with approximately equal portions of taxable property of the county inspected each year. Physical inspections of properties outside of the areas scheduled for physical inspection under the plan filed with the department (see WAC 458-07-025) may be conducted for purposes of validating sales, reconciling inconsistent valuation results, calibrating statistical models, valuing unique or nonhomogeneous properties, administering appeals or taxpayer reviews, documenting digital images, or for other purposes as necessary to maintain accurate property characteristics and uniform assessment practices. All properties shall be placed on the assessment rolls at current true and fair value as of January 1st of the assessment year.

(c) In any year, when the area of the county being physically inspected is not completed in that year, the portion remaining must be completed before beginning the physical inspection of another area in the succeeding year. All areas of the county must be physically inspected within the cycle established in the revaluation plan filed with the department.

(5) **Revaluation after a value is certified for the current year.** In certain circumstances the assessor is authorized to revalue real property, using appraisal judgment, after a value is certified for the current year. These revaluations must not be arbitrary or capricious, nor violate the equal protection clauses of the federal and state Constitutions, nor the uniformity clause of the state Constitution. The assessor may disregard the certified value for the current year and change a property valuation, as appropriate, in the following situations:

(a) If requested by a property owner, when a notice of decision pertaining to the value of real property is received under RCW 36.70B.130 (Notice of decision—Distribution; local project review), chapter 35.22 RCW (First class cities), chapter 35.63 RCW (Planning commissions), chapter 35A.63 RCW (Planning and zoning in code cities), or chapter 36.70 RCW (Planning Enabling Act);

(b) When the owner or person responsible for payment of taxes on any real property petitions the assessor for a reduction in the assessed value in accordance with RCW 84.40.039, within three years of adoption of a restriction by a government entity;

(c) When there has been a "definitive change of land use designation" by an authorized land use authority, and the revaluation is in accordance with RCW 84.48.065;

(d) When a bona fide mistake has been made by the assessor in a prior valuation made within the current valuation cycle. The change in property valuation is not retroactive to the prior year;

(e) When property has been destroyed, in whole or in part, and is entitled to a reduction in value in accordance with chapter 84.70 RCW; or

(f) When property has been subdivided or merged.

(6) **Change of value notice.** ((In a county that revalues all real property each year,)) Revaluation notices must be mailed or transmitted electronically by the assessor to the taxpayer when there is any change in the assessed value of real property, not later than thirty days after an appraisal or adjustment in value.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-07-020 Revaluation of real property—Multi-year counties.

#### **WSR 16-04-115**

#### **WITHDRAWL OF**

#### **EXPEDITED RULE MAKING**

#### **DEPARTMENT OF REVENUE**

[Filed February 2, 2016, 1:05 p.m.]

Pursuant to RCW 34.05.335, the department of revenue (department) files this notice of agency withdrawal of WSR 16-01-141 for proposal amending WAC 458-07-010 and 458-07-015; and repealing WAC 458-07-020. These rules are being proposed under an expedited rule-making process.

The department received a public comment to amend the proposed language in the rule proposal for WAC 458-07-015 at subsection (5) to clarify that the revaluation is "after a value is certified for the current year."

The department filed a second CR-105 proposal, WSR 16-04-101, on February 2, 2016, to amend WAC 458-07-010 and 458-07-015; and repeal WAC 458-07-020, using the new clarifying language described above in WAC 458-07-015 at subsection (5). The department proceeds with this expedited rule-making process under WSR 16-04-101.

Kevin Dixon  
Rules Coordinator

**WSR 16-04-120**  
**WITHDRAWAL OF**  
**EXPEDITED RULE MAKING**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(By the Code Reviser's Office)

[Filed February 2, 2016, 3:32 p.m.]

WAC 388-106-0610, proposed by the department of social and health services in WSR 15-15-024, appearing in issue 15-15 of the Washington State Register, which was distributed on August 5, 2015, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register