

HOUSE BILL 1225

State of Washington

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By Representatives Winsley, Wang, Ballard, Leonard, Nelson, Ebersole, Mitchell, Franklin, Heavey, D. Sommers, Paris, Broback, May, Bowman, Brough, Edmondson, Dellwo, Wood, Jones, Wynne, Scott, Jacobsen, Fraser, Moyer, Phillips, Brekke and Rasmussen.

Read first time January 23, 1991. Referred to Committee on Housing\Revenue.

1 AN ACT Relating to the classification and valuation of multiple-
2 unit buildings devoted primarily to low-income housing and of mobile
3 home parks at current use value; amending RCW 42.17.310; adding a new
4 chapter to Title 84 RCW; and providing a contingent effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature hereby declares that:

7 (1) There is a shortage in the supply of decent, safe, and sanitary
8 housing for persons of low income in this state. Far too many people
9 live in overcrowded dwellings, in buildings that are not safe,
10 sanitary, and protected from the elements, in temporary shelters, or
11 even without a form of decent shelter.

12 (2) The shortage of safe, sanitary, decent housing for persons of
13 low income harms the general health and safety. It deprives many
14 persons of low income of proper shelter and protections from
15 unreasonable risks of fire, crime, personal injury, and from

1 overcrowded and deteriorated living conditions. It harms the general
2 public by contributing to the use of storefronts, public parks, and
3 sidewalks as shelter by the homeless and by contributing to slums and
4 blight in urban areas.

5 (3) Public agencies acting alone do not have sufficient resources
6 to supply housing for persons of low income. Federal cutbacks have made
7 it even more difficult for public agencies to respond to the dwindling
8 supply of low-income housing. The assistance of private capital and
9 free enterprise is essential to reduce the shortage of housing for
10 persons of low income, and organizations and individuals should be
11 encouraged to preserve and develop low-income housing.

12 (4) Mobile home parks are an important source of affordable
13 housing, especially for low-income and elderly persons. Mobile home
14 parks also provide a unique form of community living that allows
15 elderly persons to live independently for as long as possible.

16 (5) Economic pressures have resulted in a dramatic increase in the
17 number of mobile home parks being closed due to changes in land use by
18 the landowner. Not only does this result in lost affordable housing,
19 but mobile homes are difficult and expensive to move. Mobile
20 homeowners find it difficult to locate spaces for mobile homes that
21 must be relocated, especially for older mobile homes.

22 (6) Valuing and taxing property primarily devoted to mobile home
23 parks or low-income housing at its current use will provide an economic
24 incentive for preservation and development of mobile home parks and
25 low-income housing and a disincentive to elimination of such housing
26 for purely economic reasons. Such an incentive may delay the
27 deterioration and demolition of existing low-income housing, or in the
28 closure of mobile home parks, in higher density areas where competition
29 from higher uses threatens this less competitive use, and it may

1 encourage the development of additional low-income housing and mobile
2 home parks.

3 (7) This chapter will implement an amendment to Article VII,
4 section 11, of the Washington state Constitution submitted to the
5 electorate of the state of Washington at the November 1991 general
6 election.

7 NEW SECTION. **Sec. 2.** The definitions set forth in this
8 section apply throughout this chapter unless the context clearly
9 requires otherwise.

10 (1) "Assessor" means the county assessor or such agency or person
11 who is authorized to act on behalf of the assessor.

12 (2) "County financial authority" and "financial authority" means
13 the county treasurer or an agency or person charged with the
14 responsibility for billing and collecting property taxes.

15 (3) "County recording authority" means the county auditor or an
16 agency or person charged with the recording of documents.

17 (4) "Dwelling unit" means a structure other than a single-family
18 home, or that part of a structure that is used as a home, residence, or
19 sleeping place by one person or by two or more persons maintaining a
20 common household, including but not limited to multiplexes and
21 apartment buildings.

22 (5) "Devoted to low-income housing" means that the property is
23 dedicated to housing for persons of low income at rents set below
24 market rates.

25 (6) "Mobile home" means a mobile or manufactured home as defined in
26 RCW 46.04.302.

27 (7) "Mobile home park" means real property that is rented or held
28 out for rent to others for the placement of two or more mobile homes
29 for the primary purpose of production of income, except where such real

1 property is rented or held out for rent for seasonal recreational
2 purpose only and is not intended for year-round occupancy.

3 (8) "Owner" means the party or parties with the fee ownership in
4 the land, and the contract vendee where land is subject to a real
5 estate contract.

6 (9) "Persons of low income" means one person, or two or more
7 persons maintaining a common household, whose current income does not
8 exceed fifty percent of the median income, adjusted by family size, for
9 the area in which the building is located. Median income is measured
10 by the most recent statistics published by the United States department
11 of housing and urban development for counties within a standard
12 metropolitan statistical area, and for other areas, by estimates
13 prepared and filed by the state department of community development
14 with the code reviser's office for publication in the Washington state
15 register.

16 (10) "Rents set below market rates" means rents that are equal to
17 or less than the greater of either:

18 (a) Set in accordance with an agreement with the United States
19 department of housing and urban development or other federal agency, or
20 a local housing authority, to carry out a government program to provide
21 housing for persons of low income, and that do not exceed the fair
22 rental rate promulgated for such low-income housing by the United
23 States or the housing authority; or

24 (b) Do not exceed fifteen percent of the median income, scaled by
25 using the occupancy for the unit authorized by the local building code
26 for family size, for the area in which the building is located.

27 (11) "Reviewing official" means the chief executive officer of a
28 county, city, or town or a subordinate municipal officer designated by
29 the chief executive officer for review of applications for
30 classification pursuant to this chapter.

1 NEW SECTION. **Sec. 3.** Current use valuation as authorized by
2 this chapter shall be available within each county only if the county
3 legislative authority adopts an implementing ordinance or resolution.

4 NEW SECTION. **Sec. 4.** (1) Property occupied by a building that
5 meets the following criteria may be classified in whole or in part as
6 "devoted to low-income housing," and valued and taxed at its current
7 use value unless disqualified under subsection (7) of this section:

8 (a) At least fifty percent of the rentable floor area of the
9 building shall be dedicated to housing for persons of low income. The
10 remainder of the building may be: (i) Committed to other uses, or (ii)
11 vacant for up to six months, as long as the remainder does not impair
12 the habitability of the units rented for housing to persons of low
13 income;

14 (b) At least five dwelling units in the building must be dedicated
15 to housing for persons of low income;

16 (c) The rents charged to persons of low income shall be set below
17 market rates; and

18 (d) The building and the dwelling units dedicated to housing for
19 persons of low income must comply with local health and safety
20 standards.

21 (2) A classification of the real property occupied by a building
22 devoted to low-income housing applies to the portion of the parcel
23 dedicated to housing for persons of low income, including ancillary
24 areas used for parking, lawn, garden, or landscaping, as required by
25 local zoning and building ordinances.

26 (3) Property used for a mobile home park that meets the following
27 criteria may be classified in whole or in part as "devoted to low-
28 income housing" and valued and taxed at its current use value unless
29 disqualified under subsection (7) of this section:

1 (a) At least fifty percent of the mobile home park spaces shall be
2 dedicated to persons of low income at all times for residential
3 purposes by persons of low income. The remainder of the mobile home
4 park may be: (i) Committed to other uses, or (ii) vacant for up to six
5 months, as long as the remainder does not impair the habitability of
6 the mobile home park spaces rented to persons of low income;

7 (b) At least five mobile home spaces in the mobile home park must
8 be dedicated to housing for persons of low income;

9 (c) The rents charged to persons of low income shall be set below
10 market rates for mobile home park spaces; and

11 (d) The mobile home park must comply with local health and safety
12 standards.

13 (4) A classification of real property used for a mobile home park
14 applies to the portion of the property dedicated to housing for persons
15 of low income, including ancillary areas used for parking, lawn,
16 garden, or landscaping, as required by local zoning and building
17 ordinances.

18 (5) In the event that the property for which a classification under
19 this section is applied for is used in part as other than either
20 residential rental property or a mobile home park, only the portion of
21 the property dedicated to housing for persons of low income or a mobile
22 home park shall be eligible for classification under this chapter.

23 (6) An assessor may, for property tax purposes, segregate those
24 portions of a property dedicated to housing for persons of low income.

25 (7) The following properties are not eligible for classification as
26 property "devoted to low-income housing":

27 (a) Slums: (i) Property under a municipal or judicial order for
28 abatement; (ii) property with a building that the local jurisdiction
29 has found to violate applicable building, health, and safety standards
30 and on which compliance has not been completed or satisfactory progress

1 shown within sixty days after notice; or (iii) property that is
2 repeatedly cited for a substantial violation of such local standards.

3 (b) Institutional housing: (i) Residential units that serve an
4 institution, where payments for health care, education, or other
5 institutional services are made by or for the occupants to the owner in
6 addition to rent for the dwelling; (ii) privately-owned student
7 housing, including fraternities and sororities; or (iii) resorts for
8 recreational purposes. This subsection (b) does not exclude from
9 eligibility housing that is under contract to a governmental
10 organization or private nonprofit health care organization and is
11 devoted to persons of low income.

12 (c) Employee housing: Property used primarily for industrial,
13 commercial, institutional, farm or agricultural purposes or as timber
14 land in which the dwelling units identified as devoted to use by
15 persons of low income are occupied by employees of the owner, contract
16 workers for the owner, or relatives of the owner.

17 (d) A portion of the property that exceeds five acres; except that
18 this requirement does not apply to mobile home parks.

19 NEW SECTION. **Sec. 5.** (1) Applications made on or before the
20 last day of December shall be processed for classification in the year
21 following application.

22 (2) Where practical, applications shall be made upon forms prepared
23 by the state department of revenue and supplied by the assessor. A
24 document that contains the essential information requested by the state
25 form shall be processed as an application if the approved forms are not
26 available. The application shall contain a verification or statement
27 under penalty of perjury that the information supplied is true and
28 correct. The application shall require the applicant to inform the
29 assessor if there is a change in circumstances that would affect the

1 continuing eligibility of the property for classification under this
2 chapter. The assessor shall provide reasonable assistance to
3 applicants in completing the form.

4 (3) If the property lies in an incorporated area, the assessor
5 shall send a copy of the application to the chief executive officer of
6 the city or town or to a subordinate municipal officer designated by
7 the chief executive officer for review. If the property lies in an
8 unincorporated area, the assessor shall transmit a copy of the
9 application for review to the official who administers the county
10 building codes unless the county legislative authority designates
11 another official. If a municipal boundary bisects property that is the
12 subject of an application, officials of each affected municipality
13 shall receive a copy of the application. Before a reviewing official
14 recommends denial of an application, the reviewer shall inform the
15 owner of the proposed denial and allow the owner an opportunity to
16 submit additional information.

17 (4) The classification established under this chapter shall be in
18 effect for taxes payable for the year following the year in which a
19 classification is made by and for each subsequent year until (a)
20 withdrawn by the owner or (b) found ineligible by the assessor.

21 (5) The city, town, or county may require a reasonable application
22 fee, including the costs necessary to record the document. Except for
23 recording costs, the application fee shall be nonrefundable. The fee
24 shall accompany the application.

25 (6) An assessor may delegate the performance of any or all of the
26 activities specified by this chapter to a reviewing official of the
27 jurisdiction in which the property is located.

28 NEW SECTION. **Sec. 6.** (1) Upon receipt of an application from
29 the assessor, a reviewing official may contact the applicant, examine

1 documents and records, interview occupants, and enter and inspect the
2 real property during reasonable business hours to determine compliance
3 with the requirements of this chapter. However, nothing in this
4 section shall be construed to authorize an entry by a reviewing
5 official into a mobile home sited in a mobile home park classified
6 under this chapter unless the owner of such home grants permission.
7 The reviewing official shall, within forty-five days of receipt of the
8 application from the assessor, file with the assessor a report that
9 states whether the property qualifies for classification under this
10 chapter: PROVIDED, That upon notice to the assessor, the reviewing
11 official may take such additional time as may be needed on account of
12 delays in securing information from an applicant. An application that
13 is returned to the assessor by the reviewing official later than
14 December 31 of the year in which it is submitted, and that is
15 subsequently approved, shall be treated as approved in the calendar
16 year in that it is returned: PROVIDED, That an application submitted
17 to the assessor fewer than forty-five days prior to December 31, and
18 that is subsequently approved within the forty-five day period, shall
19 be treated as approved in the calendar year in which it is submitted
20 for classification the year following approval.

21 (2) The assessor shall grant the classification if the report of
22 the reviewing official recommends approval of the application and shall
23 deny the application if the report recommends denial.

24 (3) If no timely report is submitted by a reviewing official, the
25 reviewing official shall inform the applicant. An applicant may then
26 apply to the county board of equalization for relief. The board may
27 order: The classification granted; the classification granted unless
28 the reviewing official shows cause for a denial by a date contained in
29 the order; or denial of the application on the record already made.

1 (4) Property classified as a mobile home park or classified as
2 "devoted to low-income housing" shall be so designated on the
3 assessment roll and notice of that classification shall be given on the
4 notice of assessed value change sent to the taxpayer. The assessor
5 shall also maintain on the assessment rolls the true and fair value of
6 the property.

7 NEW SECTION. **Sec. 7.** For the purposes of property tax the
8 value of the real property classified as a mobile home park or
9 classified as "devoted to low-income housing" shall be the lesser of
10 its value based on its current use and its true and fair value. In
11 computing its value based on its current use, the assessor shall
12 disregard potential uses that might return a higher income, rents that
13 might be charged were the owner to maximize returns, and values of the
14 property that suppose either the land or the improvements were
15 unencumbered by classification under this chapter.

16 NEW SECTION. **Sec. 8.** To be sure the property continues to be
17 eligible for classification, an assessor may require the owner to
18 certify information about the building's occupancy by persons of low
19 income, and the rents paid, the continued use of a mobile home park as
20 a mobile home park, or other information pertinent to the continuation
21 of this classification.

22 NEW SECTION. **Sec. 9.** Once real property has been classified
23 under this chapter, it shall remain under such classification and shall
24 not be applied to other use for at least ten years from the date of
25 classification and shall continue under such classification until and
26 unless withdrawn from classification after notice of request for
27 withdrawal shall be made by the owner. During any year after eight

1 years of the initial ten-year classification period have elapsed,
2 notice of request for withdrawal of all or a portion of the land, which
3 request shall be irrevocable, may be given by the owner to the
4 assessor. If a portion of a parcel is removed from classification, the
5 remaining portion must meet the same requirements as did the entire
6 parcel when the real property was originally granted classification
7 pursuant to this chapter. Within seven days the assessor shall
8 transmit one copy of such notice to the reviewing official who
9 originally approved the application. The assessor or assessors, as the
10 case may be, shall, when two assessment years have elapsed following
11 the date of receipt of the notice, withdraw the real property from such
12 classification and the real property shall be subject to the additional
13 tax due under section 13 of this act. Classification according to this
14 chapter shall not be considered to be a contract and can be abrogated
15 at any time by the legislature, in which event no additional tax or
16 penalty may be imposed.

17 NEW SECTION. **Sec. 10.** If real property has been classified
18 under this chapter, except through compliance with section 9 of this
19 act, or except as a result solely from any one of the conditions listed
20 in section 13(5) of this act, the owner shall within sixty days notify
21 the assessor of a change in use, and additional property tax shall be
22 imposed upon the property in an amount equal to the sum of the
23 following:

24 (1) The total amount of the additional tax due under section 13 of
25 this act; plus

26 (2) A penalty amounting to twenty percent of the amount determined
27 under subsection (1) of this section.

28 A person who has information that the property no longer qualifies
29 for the classification may supply the information to the assessor.

1 Upon receipt of the information, the assessor shall promptly refer the
2 matter to the reviewing official for a report and recommendation on
3 whether the property should be removed from classification.

4 NEW SECTION. **Sec. 11.** The additional tax and penalties, if
5 any, provided by section 10 of this act shall be extended on the tax
6 roll and shall be, together with the interest thereon, a lien on the
7 property to which the tax applies as of January 1st of the year for
8 which the additional tax is imposed. The lien has priority as provided
9 in chapter 84.60 RCW. For purposes of all periods of limitation of
10 actions specified in this title, the year in which the tax became
11 payable shall be as specified in section 12 of this act.

12 NEW SECTION. **Sec. 12.** The additional tax, penalties, and
13 interest provided by section 10 of this act shall be paid in full
14 thirty days after the date that the county financial authority's
15 statement therefor is rendered. The county financial authority shall
16 distribute the additional taxes, interest, and penalties in the same
17 manner in which current taxes applicable to the subject land are
18 distributed.

19 NEW SECTION. **Sec. 13.** (1) If real property has once been
20 classified under this chapter, a notation of the classification shall
21 be made each year upon the assessment and tax rolls, and the real
22 property shall be valued under to this chapter until removal of all or
23 a portion of the classification by the assessor upon occurrence of any
24 of the following:

25 (a) Receipt of notice from the owner to remove all or a portion of
26 the designation;

1 (b) Sale or transfer to an ownership making all or a portion of the
2 real property exempt from ad valorem taxation;

3 (c) Sale or transfer of all or a portion of the real property to a
4 new owner, unless the new owner has signed a notice of classification
5 continuance. If the notice of continuance is not signed by the new
6 owner, all additional taxes calculated under subsection (3) of this
7 section shall become due and payable by the seller or transferor at
8 time of sale. The county recording authority shall not accept an
9 instrument of conveyance of classified real property for filing or
10 recording unless the new owner has signed the notice of continuance or
11 the additional tax has been paid;

12 (d) Determination by the reviewing official, after giving the owner
13 written notice and an opportunity to be heard, that all or a portion of
14 the real property is no longer primarily devoted to and used for the
15 purposes under which it was granted classification.

16 (2) Within thirty days after the removal of all or a portion of the
17 real property from classification, the assessor shall notify the owner
18 in writing, setting forth the reasons for the removal. Within thirty
19 days of mailing the notice of removal, the seller, transferor, or owner
20 may appeal the removal to the county board of equalization.

21 (3) Both the assessed valuation before and after the removal of
22 classification shall be listed and taxes shall be allocated according
23 to that part of the year to which each assessed valuation applies.
24 Except as provided in subsection (5) of this section, an additional tax
25 shall be imposed that is due and payable to the county financial
26 authority thirty days after the owner is notified of the amount of the
27 additional tax. As soon as possible, the assessor shall compute the
28 amount of such an additional tax and the county financial authority
29 shall mail notice to the owner of the amount thereof and the date on

1 which payment is due. The amount of the additional tax shall be equal
2 to:

3 (a) The difference between the property tax paid as property
4 classified under this chapter and the amount of property tax otherwise
5 due and payable for the seven years last past had the real property not
6 been so classified; plus

7 (b) Interest upon the amounts of the additional tax paid at the
8 same statutory rate charged on delinquent property taxes from the dates
9 on which the additional tax could have been paid without penalty if the
10 real property had been assessed at a value without regard to this
11 chapter.

12 (4) Additional tax, together with applicable interest thereon,
13 becomes a lien on the real property, which lien attaches at the time
14 the real property is removed from current use classification under this
15 chapter. The lien has priority to and shall be fully paid and
16 satisfied before any recognizance, mortgage, judgment, debt,
17 obligation, or responsibility to or with which the land may become
18 charged or liable. The lien may be foreclosed upon expiration of the
19 same period after delinquency and in the same manner provided by law
20 for foreclosure of liens for delinquent real property taxes as provided
21 in RCW 84.64.050. Any additional tax unpaid on its due date is
22 delinquent. From the date of delinquency until paid, interest shall be
23 charged at the same rate applied by law to delinquent ad valorem
24 property taxes.

25 (5) The additional tax specified in subsection (3) of this section
26 shall not be imposed if the removal of designation pursuant to
27 subsection (1) of this section resulted solely from:

28 (a) A taking under exercise of the power of eminent domain or a
29 transfer to a condemning authority under threat of an exercise of the
30 power of eminent domain;

1 (b) A transfer to a use that is exempt from property taxes;

2 (c) A change in the law or land use regulations that precludes use
3 of the property for low-income housing or as a mobile home park;

4 (d) Destruction of the property, or such severe damage as to render
5 the premises untenable, through a natural disaster, such as flood,
6 landslide, or earthquake, or a calamity beyond the owner's control,
7 such as fire.

8 NEW SECTION. **Sec. 14.** An aggrieved owner, the local government
9 agency approving the application, the assessor, and the department of
10 revenue may appeal an action granting or denying a classification
11 pursuant to this chapter to the county board of equalization. The
12 appeal shall be filed within thirty days of the granting or denial of
13 the classification by serving a copy upon the reviewing officer and the
14 county board of equalization. The appeal shall be processed in the
15 same manner as appeals from property valuations.

16 NEW SECTION. **Sec. 15.** The department of revenue shall adopt
17 rules to implement this chapter.

18 NEW SECTION. **Sec. 16.** The department of community development
19 shall prepare and publish, within sixty days of the date the department
20 of housing and urban development publishes or no later than December
21 31st of each year, the data on median incomes necessary to implement
22 this chapter. The department may make its estimates for areas outside
23 federal standard metropolitan statistical areas on the basis of the
24 nearest area with such data.

25 NEW SECTION. **Sec. 17.** This chapter shall be liberally
26 construed to accomplish its purposes. This chapter shall also be

1 interpreted as granting reviewing officials designated by a city or
2 county the authority to carry out the functions contemplated by this
3 chapter.

4 NEW SECTION. **Sec. 18.** If any provision of this chapter or its
5 application to any person or circumstance is held invalid, the
6 remainder of the chapter or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act shall
9 constitute a new chapter in Title 84 RCW.

10 **Sec. 20.** RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each
11 amended to read as follows:

12 (1) The following are exempt from public inspection and copying:

13 (a) Personal information in any files maintained for students in
14 public schools, patients or clients of public institutions or public
15 health agencies, or welfare recipients.

16 (b) Personal information in files maintained for employees,
17 appointees, or elected officials of any public agency to the extent
18 that disclosure would violate their right to privacy.

19 (c) Information required of any taxpayer in connection with the
20 assessment or collection of any tax if the disclosure of the
21 information to other persons would (i) be prohibited to such persons by
22 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
23 in unfair competitive disadvantage to the taxpayer.

24 (d) Specific intelligence information and specific investigative
25 records compiled by investigative, law enforcement, and penology
26 agencies, and state agencies vested with the responsibility to
27 discipline members of any profession, the nondisclosure of which is

1 essential to effective law enforcement or for the protection of any
2 person's right to privacy.

3 (e) Information revealing the identity of persons who file
4 complaints with investigative, law enforcement, or penology agencies,
5 other than the public disclosure commission, if disclosure would
6 endanger any person's life, physical safety, or property. If at the
7 time the complaint is filed the complainant indicates a desire for
8 disclosure or nondisclosure, such desire shall govern. However, all
9 complaints filed with the public disclosure commission about any
10 elected official or candidate for public office must be made in writing
11 and signed by the complainant under oath.

12 (f) Test questions, scoring keys, and other examination data used
13 to administer a license, employment, or academic examination.

14 (g) Except as provided by chapter 8.26 RCW, the contents of real
15 estate appraisals, made for or by any agency relative to the
16 acquisition or sale of property, until the project or prospective sale
17 is abandoned or until such time as all of the property has been
18 acquired or the property to which the sale appraisal relates is sold,
19 but in no event shall disclosure be denied for more than three years
20 after the appraisal.

21 (h) Valuable formulae, designs, drawings, and research data
22 obtained by any agency within five years of the request for disclosure
23 when disclosure would produce private gain and public loss.

24 (i) Preliminary drafts, notes, recommendations, and intra-agency
25 memorandums in which opinions are expressed or policies formulated or
26 recommended except that a specific record shall not be exempt when
27 publicly cited by an agency in connection with any agency action.

28 (j) Records which are relevant to a controversy to which an agency
29 is a party but which records would not be available to another party

1 under the rules of pretrial discovery for causes pending in the
2 superior courts.

3 (k) Records, maps, or other information identifying the location of
4 archaeological sites in order to avoid the looting or depredation of
5 such sites.

6 (l) Any library record, the primary purpose of which is to maintain
7 control of library materials, or to gain access to information, which
8 discloses or could be used to disclose the identity of a library user.

9 (m) Financial information supplied by or on behalf of a person,
10 firm, or corporation for the purpose of qualifying to submit a bid or
11 proposal for (a) a ferry system construction or repair contract as
12 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
13 or improvement as required by RCW 47.28.070.

14 (n) Railroad company contracts filed with the utilities and
15 transportation commission under RCW 81.34.070, except that the
16 summaries of the contracts are open to public inspection and copying as
17 otherwise provided by this chapter.

18 (o) Financial and commercial information and records supplied by
19 private persons pertaining to export services provided pursuant to
20 chapter 43.163 RCW and chapter 53.31 RCW.

21 (p) Financial disclosures filed by private vocational schools under
22 chapter 28C.10 RCW.

23 (q) Records filed with the utilities and transportation commission
24 or attorney general under RCW 80.04.095 that a court has determined are
25 confidential under RCW 80.04.095.

26 (r) Financial and commercial information and records supplied by
27 businesses during application for loans or program services provided by
28 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

29 (s) Membership lists or lists of members or owners of interests of
30 units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities
2 affiliated with such projects, regulated by the department of
3 licensing, in the files or possession of the department.

4 (t) All applications for public employment, including the names of
5 applicants, resumes, and other related materials submitted with respect
6 to an applicant.

7 (u) The residential addresses and residential telephone numbers of
8 employees or volunteers of a public agency which are held by the agency
9 in personnel records, employment or volunteer rosters, or mailing lists
10 of employees or volunteers.

11 (v) The residential addresses and residential telephone numbers of
12 the customers of a public utility contained in the records or lists
13 held by the public utility of which they are customers.

14 (w) Information obtained by the board of pharmacy as provided in
15 RCW 69.45.090.

16 (x) Information obtained by the board of pharmacy and its
17 representatives as provided in RCW 69.41.044 and 69.41.280.

18 (y) Financial information, business plans, examination reports, and
19 any information produced or obtained in evaluating or examining a
20 business and industrial development corporation organized or seeking
21 certification under chapter 31.24 RCW.

22 (z) Financial and commercial information supplied to the state
23 investment board by any person when the information relates to the
24 investment of public trust or retirement funds and when disclosure
25 would result in loss to such funds or in private loss to the providers
26 of this information.

27 (aa) Financial and valuable trade information under RCW 51.36.120.

28 (bb) Effective March 1, 1991, the work and home addresses, other
29 than the city of residence, of a person shall remain undisclosed or be
30 omitted from all documents made available for public review if that

1 person requests in writing, under oath, that these addresses be kept
2 private because disclosure would endanger his or her life, physical
3 safety, or property. This provision does not in any way restrict the
4 sharing or collection of information by state and local governmental
5 agencies required for the daily administration of their duties. The
6 secretary of state shall administer this provision and establish the
7 procedures and rules that are necessary for its operation. An agency
8 that has not been furnished with a request for confidentiality of
9 address information is not liable for damages resulting from its
10 disclosure of the information. For purpose of service of process, the
11 secretary of state shall serve as agent for each person who submits a
12 request under this subsection. A request shall be of no force or
13 effect if the requester does not include a statement, along with or
14 part of the request, designating the secretary of state as agent of the
15 requester for purposes of service of process.

16 (cc) Financial information contained in applications and tenant
17 information for the current use valuation granted by chapter 84.-- RCW
18 (sections 1 through 18 of this act).

19 (2) Except for information described in subsection (1)(c)(i) of
20 this section and confidential income data exempted from public
21 inspection pursuant to RCW 84.40.020, the exemptions of this section
22 are inapplicable to the extent that information, the disclosure of
23 which would violate personal privacy or vital governmental interests,
24 can be deleted from the specific records sought. No exemption may be
25 construed to permit the nondisclosure of statistical information not
26 descriptive of any readily identifiable person or persons.

27 (3) Inspection or copying of any specific records exempt under the
28 provisions of this section may be permitted if the superior court in
29 the county in which the record is maintained finds, after a hearing
30 with notice thereof to every person in interest and the agency, that

1 the exemption of such records is clearly unnecessary to protect any
2 individual's right of privacy or any vital governmental function.

3 (4) Agency responses refusing, in whole or in part, inspection of
4 any public record shall include a statement of the specific exemption
5 authorizing the withholding of the record (or part) and a brief
6 explanation of how the exemption applies to the record withheld.

7 NEW SECTION. **Sec. 21.** This act shall take effect upon the
8 effective date of an amendment to Article VII, section 11 of the
9 Washington state Constitution to authorize current use valuation of
10 property used as a mobile home park or property with buildings that
11 meet applicable building, health, and safety codes and comply with
12 provisions of sections 1 through 18 of this act. If such amendment is
13 not validly submitted to and approved by the voters at the November
14 1991 general election, this act shall be null and void in its entirety.