



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Revenue

Title of rule and other identifying information:

WAC 458-18A-060 *Deferral of special assessments and/or property taxes – Limitations of deferral – Interest* . A deferral under chapter 84.37 RCW cannot be granted if liens created by the deferrals of special assessments and/or real property taxes equal or exceed forty percent of the claimant's equity value in the property. Equity value is determined as of January 1 in the year the taxes are to be deferred. This rule explains how the amount of the lien is determined.

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

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AND RECEIVED BY: December 6, 2010

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Department of Revenue is proposing to amend this rule to recognize that the state's lien under this program is shown on the certificate of title of a mobile home. The current rule explains that the state's lien is to be shown on the certificate of ownership of a mobile home. This proposal recognizes legislative changes made in SB 6379 (chapter 161, Laws of 2010).

Copies of draft rules are available for viewing and printing on our website at:
<http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>

Reasons supporting proposal: To recognize 2010 legislation.

Statutory authority for adoption: RCW 84.38.180

Statute being implemented: RCW 84.37.070

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Date September 27, 2010

Name (Type or print)

Alan R. Lynn

Signature

Title Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 27, 2010

TIME: 11:23 AM

WSR 10-20-057

Name of proponent: Department of Revenue

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|----------------------------------|---|----------------|
| Drafting..... Peggy Davis | 1025 Union Ave. SE. Ste #200, Olympia ,WA | (360) 570-5867 |
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

This rule draft is being proposed under an expedited rule-making process that does not require the agency to hold public hearings. Under no circumstances is this proposed rule to be used as a basis for determining tax liability or eligibility for a tax deduction, exemption, or credit.

AMENDATORY SECTION (Amending WSR 09-14-038, filed 6/24/09, effective 7/25/09)

WAC 458-18A-060 Deferral of special assessments and/or property taxes--Limitations of deferral--Interest. No deferral will be granted if the liens created by the deferrals of special assessments and/or real property taxes equal or exceed forty percent of the claimant's equity value in said property. Equity value will be determined as of January 1 in the year the taxes are to be deferred.

The liens include:

(1) The total amount of special assessments and/or real property taxes deferred; plus

(2) Interest on the amount deferred. The rate of interest is an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year is computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average is calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year. The interest is calculated from the time it could have been paid before delinquency until such obligation is paid. In the case of a mobile home, the department of licensing will show the state's lien on the certificate of (~~ownership~~) title for the mobile home. In the case of all other property, the department of revenue will file a notice of the deferral with the county recorder or auditor.