

The bill allows the Housing Finance Commission to issue bonds to finance nursing home construction and renovation. The bill expands the purposes of bonding authority to include financing of capital facilities owned and operated by non-profit corporations. The bill also is intended to give, with limited exceptions, the Housing Finance Commission exclusive authority to issue bonds for these purposes.

Section 2(6) of the bill recognizes and preserves existing statutory authority for local housing authorities to establish non-profit corporations for the purpose of issuing bonds for the construction of low-income housing. While the remainder of the bill expands the purposes of bonding authority, section 9, unlike section 2(6), fails to preserve existing local housing finance programs by failing to except them from the purposes for which the Housing Finance Commission is established as the "sole issuer of revenue bonds."

Neither the bill nor its legislative history provides information to reconcile the apparent conflict between section 2(6) and section 9.

In order to preserve the financing programs of local housing programs and to correct any inconsistency between section 2(6) and section 9, I have vetoed section 9 of this bill.

With the exception of section 9, Senate Bill No. 6574 is approved.*

CHAPTER 168

{Third Substitute Senate Bill No. 5550}

LOW-INCOME HOUSING—CURRENT USE VALUATION

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

Be it enacted by the Legislature of the State of Washington:

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

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

(2) The shortage of safe, sanitary, decent housing for persons of low income harms the general health and safety. It deprives many persons of low income of proper shelter and protections from unreasonable risks of fire, crime, personal injury, and from overcrowded and deteriorated living conditions. It harms the general public by contributing to the use of storefronts, public parks, and sidewalks as shelter by the homeless and by contributing to slums and blight in urban areas.

(3) Public agencies acting alone do not have sufficient resources to supply housing for persons of low income. Federal cutbacks have made it even more difficult for public agencies to respond to the dwindling supply of low-income housing. The assistance of private capital and free enterprise is essential to reduce the shortage of housing for persons of low income, and

organizations and individuals should be encouraged to preserve and develop low-income housing.

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

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

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

(7) This chapter will implement an amendment to Article VII, section 11, of the Washington state Constitution submitted to the electorate of the state of Washington at the November 1990 general election.

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

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

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

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

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

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

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

(7) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes

for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Slums: (i) Property under a municipal or judicial order for abatement; (ii) property with a building that the local jurisdiction has found to violate applicable building, health, and safety standards and on which compliance has not been completed or satisfactory progress shown within sixty days after notice; or (iii) property that is repeatedly cited for a substantial violation of such local standards.

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

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

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

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

(2) When practical, applications shall be made upon forms prepared by the state department of revenue and supplied by the assessor. A document that contains the essential information requested by the state form shall be processed as an application whenever the approved forms are not available. The application shall contain a verification or statement under penalty of perjury that the information supplied is true and correct. The application shall require the applicant to inform the assessor if there is any change in circumstances that would affect the continuing eligibility of the property for classification pursuant to this chapter. The assessor shall provide reasonable assistance to applicants in completing the form.

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

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

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

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

NEW SECTION. Sec. 6. (1) Upon receipt of an application from the assessor, a reviewing official may contact the applicant, examine documents and records, interview occupants, and enter and inspect the real property during reasonable business hours to determine compliance with the requirements of this chapter. However, nothing in this section shall be construed to authorize an entry by a reviewing official into a mobile home sited in a mobile home park classified pursuant to this chapter unless the owner of such home grants permission. The reviewing official shall, within forty-five days of receipt of the application from the assessor, file with the assessor a report which states whether the property qualifies for classification pursuant to this chapter: **PROVIDED**, That upon notice to the assessor, the reviewing official may take such additional time as may be needed on account of delays in securing information from an applicant. Any application which is returned to the assessor by the reviewing official later than December 31 of the year in which it is submitted, and which is subsequently approved, shall be treated as approved in the calendar year in which it is returned: **PROVIDED**, That an application submitted to the assessor fewer than forty-five days prior to December 31, and which is subsequently approved within the forty-five day period, shall be treated as approved in the calendar year in which it is submitted for classification the year following approval.

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

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

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

NEW SECTION. Sec. 7. For the purposes of property tax the value of the real property classified as a mobile home park or classified as "devoted to low-income housing" shall be the lesser of its value based on its current

use and its true and fair value. In computing its value based on its current use, the assessor shall disregard potential uses that might return a higher income, rents that might be charged were the owner to maximize returns, and values of the property that suppose either the land or the improvements were unencumbered by classification pursuant to this chapter.

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

NEW SECTION. Sec. 9. Once real property has been classified under this chapter, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land, which request shall be irrevocable, may be given by the owner to the assessor. If a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when the real property was originally granted classification pursuant to this chapter. Within seven days the assessor shall transmit one copy of such notice to the reviewing official who originally approved the application. The assessor or assessors, as the case may be, shall, when two assessment years have elapsed following the date of receipt of the notice, withdraw the real property from such classification and the real property shall be subject to the additional tax due under section 13 of this act: **PROVIDED**, That classification according to this chapter shall not be considered to be a contract and can be abrogated at any time by the legislature, in which event no additional tax or penalty may be imposed.

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

- (1) The total amount of the additional tax due under section 13 of this act; plus
- (2) A penalty amounting to twenty percent of the amount determined under subsection (1) of this section.

Any person who has information that the property no longer qualifies for the classification may supply the information to the assessor. Upon receipt of the information, the assessor shall promptly refer the matter to the

reviewing official for a report and recommendation on whether the property should be removed from classification.

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

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

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

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

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

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

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

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

(3) Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of

the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed that is due and payable to the county financial authority thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax and the county financial authority shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax shall be equal to:

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 14. An aggrieved owner, the local government agency approving the application, the assessor, and the department of revenue may appeal an action granting or denying a classification pursuant to this chapter to the county board of equalization. The appeal shall be filed

within thirty days of the granting or denial of the classification by serving a copy upon the reviewing officer and the county board of equalization. The appeal shall be processed in the same manner as appeals from property valuations.

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

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

NEW SECTION. Sec. 17. This chapter shall be liberally construed to accomplish its purposes. This chapter shall also be interpreted as granting reviewing officials designated by a city or county the authority to carry out the functions contemplated by this act.

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

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

Sec. 20. Section 12, chapter 11, Laws of 1989, section 3, chapter 189, Laws of 1989, section 20, chapter 205, Laws of 1989, section 1, chapter 238, Laws of 1989, section 23, chapter 279, Laws of 1989, section 7, chapter 352, Laws of 1989, and section 407, chapter 9, Laws of 1989 1st ex. sess. and RCW 42.17.310 are each reenacted and amended to read as follows:

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

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

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

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

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and

state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

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

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

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

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

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

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

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

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

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

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

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

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

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

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

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

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

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

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

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

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

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

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

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

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

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

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

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

NEW SECTION. Sec. 21. This act shall take effect upon the effective date of an amendment to Article VII, section 11 of the Washington state Constitution to authorize current use valuation of property used as a mobile home park or property with buildings that meet applicable building, health, and safety codes and comply with provisions of sections 1 through 18 of this act. If such amendment is not validly submitted to and approved by the voters at the November 1990 general election, this act shall be null and void in its entirety.

Passed the Senate March 3, 1990.

Passed the House February 27, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 169

[House Bill No. 2272]

MOBILE HOME LANDLORDS

AN ACT Relating to mobile home landlords; and amending RCW 59.20.060, 59.20.074, and 60.72.010.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 9, chapter 201, Laws of 1989 and RCW 59.20.060 are each amended to read as follows: