

Paying Your Property Taxes Under Protest

WASHINGTON STATE DEPARTMENT OF REVENUE

There are two ways to appeal your property tax valuation

- File a petition contesting your valuation with the County Board of Equalization.
- File a written protest at the time you pay your tax and then file an action in superior or federal court. If you are filing in superior or federal court, you must take action on your own. You can get more information about filing with the Board of Equalization from your local County Board of Equalization or assessor's office.

Filing a written protest when you pay property tax.

You are required to take the following actions:

1. Present a written protest to the county treasurer at the time of payment of the tax.
2. List in writing all the reasons why you feel the tax is unfair.

Filing your protest at the time you pay the property tax will allow you to appeal to superior court. You must take further action to file a claim in court on your own.

The county treasurer cannot provide you with any form of legal advice. The responsibilities of the treasurer are limited to accepting protests and notifying the taxing districts. This allows the taxing districts to make informed decisions when facing possible refunds for taxes already paid.

You may want to consult an attorney before submitting your letter of protest. The law has very strict requirements and you may jeopardize your case if the letter of protest is incomplete.

The following copy of the Washington Administrative Code 458-18-215 explains the protest procedure.

WAC 458-18-215 Refunds—Payment under protest requirements

1) Introduction

This rule explains and implements the procedures to be followed to comply with RCW 84.68.020. This statute imposes the requirement that property taxes be paid under protest in order to preserve the taxpayer's right to bring an action in court for a refund. The intent of the rule is to clarify the rights and responsibilities of taxpayers with respect to paying taxes under protest. This rule does not explain nor apply to the provisions of chapter 84.69 RCW, which describe alternative procedures for obtaining property tax refunds in factual circumstances that do not require the tax to be paid under protest.

2) What constitutes a valid protest

In order to preserve a right to bring an action in court for refund of any property tax paid, a taxpayer must at the time of payment of the tax, submit to the county treasurer a written protest setting forth all the grounds upon which the tax, or any portion of the tax, is claimed to be unlawful or excessive. When the taxpayer pays the tax in two installments, the right to bring an action in court for refund of any property tax paid is preserved if a written protest, as provided in this section, accompanies the first installment payment and indicates that the protest is a continuing protest with respect to the taxes payable for the entire year. No protest accompanying a tax payment shall be deemed to include protest of taxes due in succeeding years. A statement on a check or money order that the tax is being paid under protest is not sufficient to preserve the right to seek a refund in court. Any tax paid without a written protest, as provided in this section, is considered to be voluntarily paid and nonrefundable.

3) Sufficiency of protest

The written protest is intended to provide the taxing authorities with notice that the taxpayer is disputing the right to collect the tax and also to provide notice to the taxing authorities of the grounds upon which the taxpayer bases the protest. Any written protest which clearly states that the taxpayer disputes liability for the tax or a part thereof, and states all the reasons for the dispute constitutes a sufficient notice and a sufficient protest for the purposes of this section. When the taxpayer submits a written protest as provided in this section, the taxpayer is thereafter prohibited from raising other or additional grounds as the basis for the dispute.

4) Notice to taxpayers of protest requirements

A prominent notice of the written protest requirement shall be included as part of, or enclosed with, property tax statements.

Example one: To preserve your right to seek a court ordered refund, you must submit a separate written statement to the county treasurer at the time you pay the tax stating (1) you are paying the tax or a portion of the tax under protest and (2) all of the reasons why you believe the tax paid is unlawful or excessive.

Example two: To preserve your right to seek a court ordered refund, you must comply with requirements of the law (RCW 84.68.020 and WAC 458-18-215). Copies are available from the county treasurer.

5) Effective date

This rule is effective for taxes due in 1994 and thereafter.

For more information, please call the Property Tax Division at (360) 570-5900.

To inquire about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715.

Teletype (TTY) users please call 1-800-451-7985.

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