

## **Seattle: Creating the Pathway to a Statewide Income Tax**

Our state is confounded by the lack of a progressive income tax. This absence starves off the resources needed for education, higher education, early learning, and social services. We are in a perpetual public fiscal crisis, regardless of whether the private economy is doing well or not.

It is a given that the Legislature will not put in place an income tax. We also know that a statewide initiative is very unlikely to pass.

And yet, as a result of the November elections, we have reinforced a sympathetic Supreme Court, one that has found the state in contempt for failure to fund the paramount duty - the education of all children. This is a good and strong context in which to bring forward an income tax challenge to the court.

One approach to systemically remedy the regressive nature of our current tax regime is to begin at the local level with an income tax. We tried this in Olympia this past election, with the Opportunity for Olympia initiative to the people. And while we did better than any previous vote on an income tax – 47.78% support – we, like Democratic down-ticket candidates, were pushed back by the Trump wave.

But that is not the end of the story. Much of the legal back-and-forth necessary to get Opportunity for Olympia on the ballot provides us with the necessary and rich background to pursue a local income tax in another jurisdiction. If passed, whether by city council action or by initiative, the ordinance will be immediately challenged by income tax opponents as unconstitutional.

This is what we want, as it provides a pathway to the state supreme court, enabling that court to review and reverse their decisions from 1935 and 1933 in which they equated income to property and thereby disallowed a progressive income tax.

### **Let's consider Seattle:**

We can be forthright in Seattle about the need for a state income tax and the pathway which could be pursued by the city to enable that.

We can also be forthright about the need for more funding for public services, such as pre-kindergarten, child care workers' compensation, access to higher education, housing, and numerous other underfunded or unfunded public services.

**In Seattle, the City Council can pass an ordinance for an excise tax on income**, or such an ordinance could be voted through by initiative. The City Council may also semi-punt, by passing an ordinance and referring it to the people for a vote. The City Council can also develop an alternative to a citizen initiative, and have both competing proposals voted on by the people. Finally, any ordinance voted into law by the City Council can be challenged through a referendum.

If an ordinance for a tax based on income above a certain threshold is passed, and is found constitutional by the state supreme court, then no matter how the state legislature acts for a statewide income tax, Seattle will have a new funding source available, lessening the city's need to rely on property tax levies.

Further, such a pathway would encourage and enable other cities to put in place their own taxes based on income above a certain threshold. Seattle would, by law, gain a data sharing agreement with the IRS, to which other cities in Washington state could accrete when they put in place similar tax ordinances based on income.

### **What revenue is available for the city?**

A privilege tax of 1.5% on income in excess of \$200,000 would bring in about \$188 million a year, with about 26,000 households contributing a tax.

A privilege tax of 1.5% on unearned income (capital gains, interest, and dividends, and excluding business income) would bring in about \$78 million a year, with about 22,000 households contributing a tax.

We can develop and estimate other iterations. These two estimates provide a reality check on what is possible.

Working with Pacifica Law, we have already established the legal template for a local tax on income to fund higher education. The template includes a tax on income in excess of \$200,000 and the provision of community college tuition for all public high school graduates and GED certificate achievers.

### Seattle School District Data

The Seattle School District graduated 2815 students in 2014. 74% of these students went on to post-secondary education. The School District exceeds the state average for progress to higher education.

#### What percentage of 2014 high school graduates enrolled in postsecondary education?

**Table 1. Student enrollment by type of institution Enrolled in Postsecondary Ed**

District ↕	Washington					Out of State					Total	
	Total	Public 4yr	Private 4yr	Public 2yr	Private 2yr	Total	Public 4yr	Private 4yr	Public 2yr	Private 2yr	HS Graduates ↕	% Going to College ↕
Seattle	77%	35%	5%	37%	0-1%	23%	8%	14%	2%	0-1%	2815	74%
Statewide	82%	31%	5%	45%	0-1%	18%	8%	8%	2%	0-1%	65881	61%

**To provide the first year of community college tuition, or the equivalent amount of money for attendance at four year public universities in Washington, the cost will range from \$6 million** (funding the current cohort of qualifying graduates) to \$11 million (funding all students graduating from Seattle public high schools). Of course, if the object was to provide two years of community college, the costs would double. (Even these projections are high, because they do not subtract tuition-only grants that students could receive from the state, the federal government, or private sources.)

#### Iteration of proposed ordinance:

1. The City of Seattle finances the first year of community college tuition and fees (or the equivalent amount of money for attendance in a public four year college or university) for all public high school graduates and all GED certificate achievers each year in the Seattle School District. This cost will be about \$6-\$8 million annually.
2. Revenue would come from a 1.5% tax on income in excess of \$200,000 for taxpayers in the City of Seattle. This will result in about \$188 million annually.
3. Other dedications could be forthcoming as well, such as full funding of the pre-K program, child care worker wage subsidies, housing, homelessness remediation, mental health, and, if the affordable care act is repealed, city-provision of health coverage.
4. The ordinance could not be implemented until any legal challenges are resolved, and only when and if such legal challenges are decided in favor of the city.
5. Phased in implementation would be dependent on actual revenues realized through the tax.
6. The city would pursue a data sharing agreement with the IRS.
7. Absent such an agreement, the city would institute a voluntary method for determination and payment of this mandated tax (much like filing the IRS 1040 form and payment of determined taxes is now done.)
8. There is a fine of 1% of taxes due for each month taxes are not paid.
9. EOI has already developed both the implementation methods for payment of tuition, as that tuition follows a student, and for determination and oversight of tax calculation and collection.