
SENATE BILL 5667

State of Washington

61st Legislature

2009 Regular Session

By Senators Jacobsen, Benton, Schoesler, and McCaslin

Read first time 01/28/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to utility liens against rental property; and
2 amending RCW 35.21.290, 35.67.200, and 36.94.150.

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

4 **Sec. 1.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, cities
7 and towns owning their own waterworks((7)) or electric light or power
8 plants, but excluding services that cities or towns have contracted out
9 to another organization, shall have a lien against the premises to
10 which water, electric light, or power services were furnished for four
11 months charges therefor due or to become due, but not for any charges
12 more than four months past due: PROVIDED, That the owner of the
13 premises or the owner of a delinquent mortgage thereon may give written
14 notice to the superintendent or other head of such works or plant to
15 cut off service to such premises accompanied by payment or tender of
16 payment of the then delinquent and unpaid charges for such service
17 against the premises together with the cut-off charge, whereupon the
18 city or town shall have no lien against the premises for charges for

1 such service thereafter furnished, nor shall the owner of the premises
2 or the owner of a delinquent mortgage thereon be held for the payment
3 thereof.

4 (2) If a city or town contracts directly with the tenant for
5 services and a property owner or the owner's designee notifies the city
6 or town in writing, within ten days after the property owner or owner's
7 designee becomes aware that the property has been vacated by the
8 tenant, that a property served by the city or town is a rental
9 property, and provides, in writing, the last known mailing address for
10 the tenant and the property owner, the city or town shall have no lien
11 against the premises for the tenant's delinquent and unpaid charges and
12 the city or town shall have no right of action against the property
13 owner.

14 (3) If a city or town contracts directly with the tenant for
15 services and the tenant becomes delinquent, the city or town may not
16 hold the property owner liable for more than thirty days for delinquent
17 costs or withhold services to the premises for future occupants if the
18 property owner or the owner's designee has provided the city or town
19 with an address, other than the physical location of where the services
20 are provided, to send the property owner or the owner's designee
21 notification of delinquency.

22 **Sec. 2.** RCW 35.67.200 and 1991 c 36 s 2 are each amended to read
23 as follows:

24 (1) Except as provided in subsection (2) of this section, cities
25 and towns owning their own sewer systems shall have a lien for
26 delinquent and unpaid rates and charges for sewer service, penalties
27 levied pursuant to RCW 35.67.190, and connection charges, including
28 interest thereon, against the premises to which such service has been
29 furnished or is available, which lien shall be superior to all other
30 liens and encumbrances except general taxes and local and special
31 assessments. The city or town by ordinance may provide that delinquent
32 charges shall bear interest at not exceeding eight percent per annum
33 computed on a monthly basis: PROVIDED, That a city or town using the
34 property tax system for utility billing may, by resolution or
35 ordinance, adopt the alternative lien procedure as set forth in RCW
36 35.67.215.

1 (2) If a city or town contracts directly with the tenant for
2 services and a property owner or the owner's designee notifies the city
3 or town in writing, within ten days after the property owner or owner's
4 designee becomes aware that the property has been vacated by the
5 tenant, that a property served by the city or town is a rental
6 property, and provides, in writing, the last known mailing address for
7 the tenant and the property owner, the city or town shall have no lien
8 against the premises for the tenant's delinquent and unpaid charges and
9 the city or town shall have no right of action against the property
10 owner.

11 **Sec. 3.** RCW 36.94.150 and 1997 c 393 s 9 are each amended to read
12 as follows:

13 (1) Except as provided in subsection (4) of this section, all
14 counties operating a system of sewerage and/or water shall have a lien
15 for delinquent connection charges and charges for the availability of
16 sewerage and/or water service, together with interest fixed by
17 resolution at eight percent per annum from the date due until paid.
18 Penalties of not more than ten percent of the amount due may be imposed
19 in case of failure to pay the charges at times fixed by resolution.
20 The lien shall be for all charges, interest, and penalties and shall
21 attach to the premises to which the services were available. The lien
22 shall be superior to all other liens and encumbrances, except general
23 taxes and local and special assessments of the county.

24 (2) The county department established in RCW 36.94.120 shall
25 certify periodically the delinquencies to the auditor of the county at
26 which time the lien shall attach.

27 (3) Upon the expiration of sixty days after the attachment of the
28 lien, the county may bring suit in foreclosure by civil action in the
29 superior court of the county where the property is located. Costs
30 associated with the foreclosure of the lien, including but not limited
31 to advertising, title report, and personnel costs, shall be added to
32 the lien upon filing of the foreclosure action. In addition to the
33 costs and disbursements provided by statute, the court may allow the
34 county a reasonable attorney's fee. The lien shall be foreclosed in
35 the same manner as the foreclosure of real property tax liens.

36 (4) If a county contracts directly with the tenant for services and
37 a property owner or the owner's designee notifies the county in

1 writing, within ten days after the property owner or owner's designee
2 becomes aware that the property has been vacated by the tenant, that a
3 property served by the county is a rental property, and provides, in
4 writing, the last known mailing address for the tenant and the property
5 owner, the county shall have no lien against the premises for the
6 tenant's delinquent and unpaid charges and the county shall have no
7 right of action against the property owner.

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