
SUBSTITUTE HOUSE BILL 2691

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Technology, Telecommunications & Energy
(originally sponsored by Representative Crouse)

Read first time 02/05/2002. Referred to Committee on .

1 AN ACT Relating to a property owner's liability for delinquent and
2 unpaid water and electric utility charges; and amending RCW 35.21.217
3 and 35.21.300.

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

5 **Sec. 1.** RCW 35.21.217 and 1998 c 285 s 1 are each amended to read
6 as follows:

7 (1) Prior to furnishing utility services, a city or town may
8 require a deposit to guarantee payment for services. However, failure
9 to require a deposit does not affect the validity of any lien
10 authorized by RCW 35.21.290 or 35.67.200. A city or town may determine
11 how to apply partial payments on past due accounts.

12 (2) A city or town may provide a real property owner or the owner's
13 designee with duplicates of tenant utility service bills, or may notify
14 an owner or the owner's designee that a tenant's utility account is
15 delinquent. However, if an owner or the owner's designee notifies the
16 city or town in writing that a property served by the city or town is
17 a rental property, asks to be notified of a tenant's delinquency, and
18 has provided, in writing, a complete and accurate mailing address, the
19 city or town shall notify the owner or the owner's designee of a

1 tenant's delinquency at the same time and in the same manner the city
2 or town notifies the tenant of the tenant's delinquency or by mail.
3 When a city or town provides a real property owner or the owner's
4 designee with duplicates of tenant utility service bills or notice that
5 a tenant's utility account is delinquent, the city or town shall notify
6 the tenant that it is providing the duplicate bills or delinquency
7 notice to the owner or the owner's designee. After January 1, 1999, if
8 a city or town fails to notify the owner of a tenant's delinquency
9 after receiving a written request to do so and after receiving the
10 other information required by this subsection, the city or town shall
11 have no lien against the premises for the tenant's delinquent and
12 unpaid charges.

13 (3) After January 1, 2003, a city or town may not collect from the
14 property owner in any manner for more than four months of a tenant's
15 delinquent and unpaid utility charges for water or electric utility
16 services if the city or town has received a written request for notice
17 of delinquency from the property owner and has received all other
18 information required under this section. If, as of the effective date
19 of this act, a city or town bills customers for providing water or
20 electric utility service on a cycle of once every two months, the total
21 delinquent tenant charges that a city or town may collect in any manner
22 from the property owner shall not exceed six months of a tenant's
23 delinquent and unpaid utility charges.

24 **Sec. 2.** RCW 35.21.300 and 1995 c 399 s 36 are each amended to read
25 as follows:

26 (1) The lien for charges for service by a city waterworks, or
27 electric light or power plant, may be enforced only by cutting off the
28 service until the delinquent and unpaid charges are paid(~~(, except~~
29 ~~that)~~). However, until June 30, 1991, utility service for residential
30 space heating may be terminated between November 15 and March 15 only
31 as provided in subsections (2) and (4) of this section and, after
32 January 1, 2003, unpaid utility charges for services provided to a
33 tenant may be collected from the property owner only as provided in RCW
34 35.21.217(3). In the event of a disputed account and tender by the
35 owner of the premises of the amount the owner claims to be due before
36 the service is cut off, the right to refuse service to any premises
37 shall not accrue until suit has been entered by the city and judgment
38 entered in the case.

1 (2) Utility service for residential space heating shall not be
2 terminated between November 15 through March 15 if the customer:

3 (a) Notifies the utility of the inability to pay the bill,
4 including a security deposit. This notice should be provided within
5 five business days of receiving a payment overdue notice unless there
6 are extenuating circumstances. If the customer fails to notify the
7 utility within five business days and service is terminated, the
8 customer can, by paying reconnection charges, if any, and fulfilling
9 the requirements of this section, receive the protections of this
10 chapter;

11 (b) Provides self-certification of household income for the prior
12 twelve months to a grantee of the department of community, trade, and
13 economic development which administers federally funded energy
14 assistance programs. The grantee shall determine that the household
15 income does not exceed the maximum allowed for eligibility under the
16 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
17 shall provide a dollar figure that is seven percent of household
18 income. The grantee may verify information in the self-certification;

19 (c) Has applied for home heating assistance from applicable
20 government and private sector organizations and certifies that any
21 assistance received will be applied to the current bill and future
22 utility bills;

23 (d) Has applied for low-income weatherization assistance to the
24 utility or other appropriate agency if such assistance is available for
25 the dwelling;

26 (e) Agrees to a payment plan and agrees to maintain the payment
27 plan. The plan will be designed both to pay the past due bill by the
28 following October 15 and to pay for continued utility service. If the
29 past due bill is not paid by the following October 15, the customer
30 shall not be eligible for protections under this chapter until the past
31 due bill is paid. The plan shall not require monthly payments in
32 excess of seven percent of the customer's monthly income plus one-
33 twelfth of any arrearage accrued from the date application is made and
34 thereafter during November 15 through March 15. A customer may agree
35 to pay a higher percentage during this period, but shall not be in
36 default unless payment during this period is less than seven percent of
37 monthly income plus one-twelfth of any arrearage accrued from the date
38 application is made and thereafter. If assistance payments are

1 received by the customer subsequent to implementation of the plan, the
2 customer shall contact the utility to reformulate the plan; and
3 (f) Agrees to pay the moneys owed even if he or she moves.
4 (3) The utility shall:
5 (a) Include in any notice that an account is delinquent and that
6 service may be subject to termination, a description of the customer's
7 duties in this section;
8 (b) Assist the customer in fulfilling the requirements under this
9 section;
10 (c) Be authorized to transfer an account to a new residence when a
11 customer who has established a plan under this section moves from one
12 residence to another within the same utility service area;
13 (d) Be permitted to disconnect service if the customer fails to
14 honor the payment program. Utilities may continue to disconnect
15 service for those practices authorized by law other than for nonpayment
16 as provided for in this section. Customers who qualify for payment
17 plans under this section who default on their payment plans and are
18 disconnected can be reconnected and maintain the protections afforded
19 under this chapter by paying reconnection charges, if any, and by
20 paying all amounts that would have been due and owing under the terms
21 of the applicable payment plan, absent default, on the date on which
22 service is reconnected; and
23 (e) Advise the customer in writing at the time it disconnects
24 service that it will restore service if the customer contacts the
25 utility and fulfills the other requirements of this section.
26 (4) All municipal utilities shall offer residential customers the
27 option of a budget billing or equal payment plan. The budget billing
28 or equal payment plan shall be offered low-income customers eligible
29 under the state's plan for low-income energy assistance prepared in
30 accordance with 42 U.S.C. 8624(C)(1) without limiting availability to
31 certain months of the year, without regard to the length of time the
32 customer has occupied the premises, and without regard to whether the
33 customer is the tenant or owner of the premises occupied.
34 (5) An agreement between the customer and the utility, whether oral
35 or written, shall not waive the protections afforded under this
36 chapter.

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