

HOUSE BILL REPORT

SSB 5384

As Reported by House Committee On:

Local Government

Title: An act relating to utility services and connection charges for certain mobile home parks.

Brief Description: Regulating utility services and connection charges for certain mobile home parks.

Sponsors: Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators West and Winsley).

Brief History:

Committee Activity:

Local Government: 3/27/03, 4/3/03 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Prohibits a utility provider from requiring an existing mobile home park to pay certain utility charges until the mobile home park connects to the utility.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 11 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

Staff: Amy Wood (786-7127).

Background:

Cities, towns, and counties (local governments) are authorized to construct, maintain, and operate sewer systems. Local governments do not have express statutory authority to require property owners to connect to a sewer system. However, if a local government determines that a septic system has failed, they are directed to take corrective actions to address the condition.

Unlike local governments, water-sewer districts have express authority to require property owners within an area serviced by the districts' sewers to connect to the sewer system, regardless if the septic system has failed or not.

In 1998 the Legislature prohibited cities, towns, or counties from requiring that an existing mobile home park replace an existing, functional septic system with a sewer system within the community unless the local board of health determines that the septic system is failing.

Summary of Amended Bill:

A city, town, county, local improvement district, utility local improvement district, municipal corporation, political subdivision, or any other person, firm, or corporation cannot require a mobile home park to pay a sewer service availability charge, standby charge, consumption charge, or any other similar type of charge, including interest or penalties for nonpayment or enforcement of these charges, until the mobile home park actually connects to the sewer service. This provision applies retroactively to 1993.

Amended Bill Compared to Substitute Bill:

A utility service provider is prohibited from charging a mobile home park a "sewer service availability charge," "standby charge," "consumption charge," or any other similar charge, including interest and penalties. A utility service provider is permitted to charge a "utility assessment" and "connection charge." The retroactivity provision of the bill is limited to 1993.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: If water-sewer districts do not deliver service, they should not charge for service. Like cable and telephone service, you do not pay if you do not connect to the service. It is fundamentally unfair to require that residents pay for services they do not receive and cannot afford.

There are substantial costs associated with hooking up each mobile home within the park and would require tearing up the park and rebuilding it. The law applies only to existing mobile home parks, because new parks are required to lay sewers.

In 1998 the Legislature decided that mobile home parks with functioning septic systems should not be required to connect, yet owners are still being charged connection fees. Should anything ever go wrong with the septic system, then they will have to connect. The health department is capable of judging if a septic system is in compliance.

Testimony Against: The Spokane Valley Aquifer is the sole drinking water supply for over 300,000 people in the region and is at risk from septic systems because the soil conditions in the area allow the sewage to filter down into the Aquifer. The environmental impacts and the need for clean water require that mobile home parks convert to sewer systems.

Testified: (In support) Senator Winsley, sponsor; Ray Munson, Mobile Home Owners of America; Ken Spenser, Manufactured Housing Community of Washington; Mark Gjurasic, Washington Apartment Association; and Steve Lindstrom, Sno-King Water District.

(Against) Bob Mack, Cities of Spokane and Lakewood; Victoria Lincoln, Association of Washington Cities; Ed Thorpe, Coalition for Clean Water; and Paul Parker, Washington State Association of Counties.