

HB 3192 - H AMD 781

By Representative Sullivan, B.

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 35.72.020 and 1983 c 126 s 2 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in subsection (2) of this
6 section, the contract may provide for the partial reimbursement to
7 the owner or the owner's assigns for a period not to exceed fifteen
8 years of a portion of the costs of the project by other property
9 owners who:

10 ~~((1))~~ (a) Are determined to be within the assessment
11 reimbursement area pursuant to RCW 35.72.040;

12 ~~((2))~~ (b) Are determined to have a reimbursement share based
13 upon a benefit to the property owner pursuant to RCW 35.72.030;

14 ~~((3))~~ (c) Did not contribute to the original cost of the
15 street project; and

16 ~~((4))~~ (d) Subsequently develop their property within the
17 ~~((fifteen-year))~~ period of time that the contract is effective and
18 at the time of development were not required to install similar
19 street projects because they were already provided for by the
20 contract.

21 Street projects subject to reimbursement may include design,
22 grading, paving, installation of curbs, gutters, storm drainage,
23 sidewalks, street lighting, traffic controls, and other similar
24 improvements, as required by the street standards of the city,
25 town, or county.

26 (2)(a)The contract may provide for an extension of the fifteen-
27 year reimbursement period for a time not to exceed the duration of
28 any moratorium, phasing ordinance, concurrency designation, or
29 other governmental action that prevents making applications for, or

1 the approval of, any new development within the benefit area for a
2 period of six months or more.

3 (b)Upon the extension of the reimbursement period pursuant to
4 subsection (2)(a) of this section, the contract must specify the
5 duration of the contract extension and must be filed and recorded
6 with the county auditor. Property owners who are subject to the
7 reimbursement obligations under subsection (1) of this section
8 shall be notified by the appropriate county, city or town of the
9 extension filed under this subsection.

10 (3) Each contract shall include a provision requiring that
11 every two years from the date the contract is executed a property
12 owner entitled to reimbursement under this section provide the
13 appropriate county, city, or town with information regarding the
14 current contract name, address, and telephone number of the person,
15 company, or partnership that originally entered into the contract.
16 If the property owner fails to comply with the notification
17 requirements of this subsection within sixty days of the specified
18 time, then the contracting county, city, or town may collect any
19 reimbursement funds owed to the property owner under the contract.
20 Such funds must be deposited in the capital fund of the county,
21 city, or town.

22 **Sec. 2.** RCW 35.91.020 and 1999 c 153 s 38 are each amended to
23 read as follows:

24 (1)Except as provided under subsection (2) of this section, the
25 governing body of any city, town, county, water-sewer district, or
26 drainage district, hereinafter referred to as a "municipality" may
27 contract with owners of real estate for the construction of storm,
28 sanitary, or combination sewers, pumping stations, and disposal
29 plants, water mains, hydrants, reservoirs, or appurtenances,
30 hereinafter called "water or sewer facilities," within their
31 boundaries or (except for counties) within ten miles from their
32 corporate limits connecting with the public water or sewerage
33 system to serve the area in which the real estate of such owners is
34 located, and to provide for a period of not to exceed fifteen years
35 for the reimbursement of such owners and their assigns by any owner
36 of real estate who did not contribute to the original cost of such
37 water or sewer facilities and who subsequently tap onto or use the
38 same of a fair pro rata share of the cost of the construction of

1 said water or sewer facilities, including not only those directly
2 connected thereto, but also users connected to laterals or branches
3 connecting thereto, subject to such reasonable rules and
4 regulations as the governing body of such municipality may provide
5 or contract, and notwithstanding the provisions of any other law.

6 (2)(a)The contract may provide for an extension of the fifteen-
7 year reimbursement period for a time not to exceed the duration of
8 any moratorium, phasing ordinance, concurrency designation, or
9 other governmental action that prevents making applications for, or
10 the approval of, any new development within the benefit area for a
11 period of six months or more.

12 (b)Upon the extension of the reimbursement period pursuant to
13 subsection (2)(a) of this section, the contract must specify the
14 duration of the contract extension and must be filed and recorded
15 with the county auditor. Property owners who are subject to the
16 reimbursement obligations under subsection (1) of this section
17 shall be notified by the contracting municipality of the extension
18 filed under this subsection.

19 (3)Each contract shall include a provision requiring that every
20 two years from the date the contract is executed a property owner
21 entitled to reimbursement under this section provide the
22 contracting municipality with information regarding the current
23 contract name, address, and telephone number of the person,
24 company, or partnership that originally entered into the contract.
25 If the property owner fails to comply with the notification
26 requirements of this subsection within sixty days of the specified
27 time, then the contracting municipality may collect any
28 reimbursement funds owed to the property owner under the contract.
29 Such funds must be deposited in the capital fund of the
30 municipality.

31 (4) To the extent it may require in the performance of such
32 contract, such municipality may install said water or sewer
33 facilities in and along the county streets in the area to be served
34 as hereinabove provided, subject to such reasonable requirements as
35 to the manner of occupancy of such streets as the county may by
36 resolution provide. The provisions of such contract shall not be
37 effective as to any owner of real estate not a party thereto unless
38 such contract has been recorded in the office of the county auditor
39 of the county in which the real estate of such owner is located

1 prior to the time such owner taps into or connects to said water or
2 sewer facilities.

3 **Sec. 3.** RCW 57.22.020 and 1996 c 230 s 802 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in subsection (2) of this
6 section, the contract shall also provide, subject to the terms and
7 conditions in this section, for the reimbursement to the owner or
8 the owner's assigns for a period not to exceed fifteen years of a
9 portion of the costs of the facilities constructed pursuant to such
10 contract from connection charges received by the district from
11 other property owners who subsequently connect to or use the
12 facilities within the ((fifteen-year)) period of time that the
13 contract is effective and who did not contribute to the original
14 cost of such facilities.

15 (2)(a)The contract may provide for an extension of the fifteen-
16 year reimbursement period for a time not to exceed the duration of
17 any moratorium, phasing ordinance, concurrency designation, or
18 other governmental action that prevents making applications for, or
19 the approval of, any new development for a period of six months or
20 more within the benefit area of the system extensions authorized
21 under this chapter.

22 (b)Upon the extension of the reimbursement period pursuant to
23 subsection (2)(a) of this section, the contract must specify the
24 duration of the contract extension and must be filed and recorded
25 with the county auditor. Property owners who are subject to the
26 reimbursement obligations under subsection (1)of this section shall
27 be notified by the water-sewer district of the extension filed
28 under this subsection.

29 (3)Each contract shall include a provision requiring that every
30 two years from the date the contract is executed a property owner
31 entitled to reimbursement under this section provide the water-
32 sewer district with information regarding the current contract
33 name, address, and telephone number of the person, company, or
34 partnership that originally entered into the contract. If the
35 property owner fails to comply with the notification requirements
36 of this subsection within sixty days of the specified time, then
37 the water-sewer district may collect any reimbursement funds owed

1 to the property owner under the contract. Such funds must be
2 deposited in the capital fund of the water-sewer district."

EFFECT: (1)Clarifies the contractual requirements governing extensions of the fifteen year limit on reimbursements to developers/property owners;(2)requires that agreements extending the duration of reimbursement contracts be filed and recorded with the county auditor;(3)requires that property owners subject to reimbursement obligations receive formal notice of contracts extending the fifteen year reimbursement period; (4)requires that the developer/property owner contact the appropriate local government every two years to provide specified contact and identifying information; and (5) allows local governments to collect reimbursement amounts due under a contract if the developer/property owner fails to comply with the biennial notification requirement.