
SENATE BILL 5276

State of Washington

59th Legislature

2005 Regular Session

By Senator Benton

Read first time 01/19/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to collection of delinquent water-sewer district
2 charges; and amending RCW 57.08.081.

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

4 **Sec. 1.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to read
5 as follows:

6 (1) Subject to RCW 57.08.005(6), the commissioners of any district
7 shall provide for revenues by fixing rates and charges for furnishing
8 sewer and drainage service and facilities to those to whom service is
9 available or for providing water, such rates and charges to be fixed as
10 deemed necessary by the commissioners, so that uniform charges will be
11 made for the same class of customer or service and facility. Rates and
12 charges may be combined for the furnishing of more than one type of
13 sewer or drainage service and facilities.

14 (2) In classifying customers of such water, sewer, or drainage
15 system, the board of commissioners may in its discretion consider any
16 or all of the following factors: The difference in cost to various
17 customers; the location of the various customers within and without the
18 district; the difference in cost of maintenance, operation, repair, and
19 replacement of the various parts of the system; the different character

1 of the service furnished various customers; the quantity and quality of
2 the service and facility furnished; the time of its use; the
3 achievement of water conservation goals and the discouragement of
4 wasteful practices; capital contributions made to the system including
5 but not limited to assessments; and any other matters which present a
6 reasonable difference as a ground for distinction. Rates shall be
7 established as deemed proper by the commissioners and as fixed by
8 resolution and shall produce revenues sufficient to take care of the
9 costs of maintenance and operation, revenue bond and warrant interest
10 and principal amortization requirements, and all other charges
11 necessary for efficient and proper operation of the system. Prior to
12 furnishing services, a district may require a deposit to guarantee
13 payment for services. However, failure to require a deposit does not
14 affect the validity of any lien authorized by this section.

15 (3) The commissioners shall enforce collection of connection
16 charges, and rates and charges for water supplied against property
17 owners connecting with the system or receiving such water, and for
18 sewer and drainage services charged against property to which and its
19 owners to whom the service is available, such charges being deemed
20 charges against the property served, by addition of penalties of not
21 more than ten percent thereof in case of failure to pay the charges at
22 times fixed by resolution. The commissioners may provide by resolution
23 that where either connection charges or rates and charges for services
24 supplied are delinquent for any specified period of time but not more
25 than twelve months, the district shall certify the delinquencies to the
26 auditor of the county in which the real property is located, and the
27 charges and any penalties added thereto and interest thereon at the
28 rate of not more than the prime lending rate of the district's bank
29 plus four percentage points per year shall be a lien against the
30 property upon which the service was received, subject only to the lien
31 for general taxes, and provided that the lien may not apply to charges
32 that are more than twelve months past due.

33 (4) The district may, at any time after the connection charges or
34 rates and charges for services supplied or available and penalties are
35 delinquent for a period of sixty days, bring suit in foreclosure by
36 civil action in the superior court of the county in which the real
37 property is located. The court may not allow more than twelve months'
38 charges or charges that are more than twelve months past due. The

1 court may allow, in addition to the costs and disbursements provided by
2 statute, attorneys' fees, title search and report costs, and expenses
3 as it adjudges reasonable. The action shall be in rem, and may be
4 brought in the name of the district against an individual or against
5 all of those who are delinquent in one action. The laws and rules of
6 the court shall control as in other civil actions.

7 (5) In addition to the right to foreclose provided in this section,
8 the district may also cut off all or part of the service after charges
9 for water or sewer service supplied or available are delinquent for a
10 period of thirty days but not for more than twelve months' charges or
11 charges more than twelve months past due.

12 (6) A district may determine how to apply partial payments on past
13 due accounts.

14 (7) A district may provide a real property owner or the owner's
15 designee with duplicate bills for service to tenants, or may notify an
16 owner or the owner's designee that a tenant's service account is
17 delinquent. However, if an owner or the owner's designee notifies the
18 district in writing that a property served by the district is a rental
19 property, asks to be notified of a tenant's delinquency, and has
20 provided, in writing, a complete and accurate mailing address, the
21 district shall notify the owner or the owner's designee of a tenant's
22 delinquency at the same time and in the same manner the district
23 notifies the tenant of the tenant's delinquency or by mail. When a
24 district provides a real property owner or the owner's designee with
25 duplicates of tenant utility service bills or notice that a tenant's
26 utility account is delinquent, the district shall notify the tenant
27 that it is providing the duplicate bills or delinquency notice to the
28 owner or the owner's designee. After January 1, 1999, if a district
29 fails to notify the owner of a tenant's delinquency after receiving a
30 written request to do so and after receiving the other information
31 required by this subsection (7), the district shall have no lien
32 against the premises for the tenant's delinquent and unpaid charges.

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