

SSB 5854 - S AMD 53  
By Senator Benton

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

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

5 (1) Except as provided in subsection (2) of this section, cities  
6 and towns owning their own waterworks, or electric light or power  
7 plants shall have a lien against the premises to which water, electric  
8 light, or power services were furnished for four months charges  
9 therefor due or to become due, but not for any charges more than four  
10 months past due: PROVIDED, That the owner of the premises or the owner  
11 of a delinquent mortgage thereon may give written notice to the  
12 superintendent or other head of such works or plant to cut off service  
13 to such premises accompanied by payment or tender of payment of the  
14 then delinquent and unpaid charges for such service against the  
15 premises together with the cut-off charge, whereupon the city or town  
16 shall have no lien against the premises for charges for such service  
17 thereafter furnished, nor shall the owner of the premises or the owner  
18 of a delinquent mortgage thereon be held for the payment thereof.

19 (2) If a city or town contracts directly with the tenant for  
20 services and a property owner or the owner's designee notifies the city  
21 or town in writing, within ten days after the property owner or owner's  
22 designee becomes aware that the property has been vacated by the  
23 tenant, that a property served by the city or town is a rental  
24 property, and provides, in writing, the last known mailing address for  
25 the tenant and the property owner, the city or town shall have no lien  
26 against the premises for the tenant's delinquent and unpaid charges and  
27 the city or town shall have no right of action against the property  
28 owner.

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

3       (1) Except as provided in subsection (2) of this section, cities  
4 and towns owning their own sewer systems shall have a lien for  
5 delinquent and unpaid rates and charges for sewer service, penalties  
6 levied pursuant to RCW 35.67.190, and connection charges, including  
7 interest thereon, against the premises to which such service has been  
8 furnished or is available, which lien shall be superior to all other  
9 liens and encumbrances except general taxes and local and special  
10 assessments. The city or town by ordinance may provide that delinquent  
11 charges shall bear interest at not exceeding eight percent per annum  
12 computed on a monthly basis: PROVIDED, That a city or town using the  
13 property tax system for utility billing may, by resolution or  
14 ordinance, adopt the alternative lien procedure as set forth in RCW  
15 35.67.215.

16       (2) If a city or town contracts directly with the tenant for  
17 services and a property owner or the owner's designee notifies the city  
18 or town in writing, within ten days after the property owner or owner's  
19 designee becomes aware that the property has been vacated by the  
20 tenant, that a property served by the city or town is a rental  
21 property, and provides, in writing, the last known mailing address for  
22 the tenant and the property owner, the city or town shall have no lien  
23 against the premises for the tenant's delinquent and unpaid charges and  
24 the city or town shall have no right of action against the property  
25 owner.

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

28       (1) Except as provided in subsection (4) of this section, all  
29 counties operating a system of sewerage and/or water shall have a lien  
30 for delinquent connection charges and charges for the availability of  
31 sewerage and/or water service, together with interest fixed by  
32 resolution at eight percent per annum from the date due until paid.  
33 Penalties of not more than ten percent of the amount due may be imposed  
34 in case of failure to pay the charges at times fixed by resolution.  
35 The lien shall be for all charges, interest, and penalties and shall  
36 attach to the premises to which the services were available. The lien

1 shall be superior to all other liens and encumbrances, except general  
2 taxes and local and special assessments of the county.

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

6 (3) Upon the expiration of sixty days after the attachment of the  
7 lien, the county may bring suit in foreclosure by civil action in the  
8 superior court of the county where the property is located. Costs  
9 associated with the foreclosure of the lien, including but not limited  
10 to advertising, title report, and personnel costs, shall be added to  
11 the lien upon filing of the foreclosure action. In addition to the  
12 costs and disbursements provided by statute, the court may allow the  
13 county a reasonable attorney's fee. The lien shall be foreclosed in  
14 the same manner as the foreclosure of real property tax liens.

15 (4) If a county contracts directly with the tenant for services and  
16 a property owner or the owner's designee notifies the county in  
17 writing, within ten days after the property owner or owner's designee  
18 becomes aware that the property has been vacated by the tenant, that a  
19 property served by the county is a rental property, and provides, in  
20 writing, the last known mailing address for the tenant and the property  
21 owner, the county shall have no lien against the premises for the  
22 tenant's delinquent and unpaid charges and the county shall have no  
23 right of action against the property owner."

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24 On page 1, line 1 of the title, after "property;" strike the  
25 remainder of the title and insert "and amending RCW 35.21.290,  
26 35.67.200, and 36.94.150."

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