

ESB 6261 - H COMM AMD

By Committee on Local Government & Housing

ADOPTED AS AMENDED 03/04/2010

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

3 "Sec. 1. RCW 35.21.217 and 1998 c 285 s 1 are each amended to read
4 as follows:

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

10 (2) A city or town may provide a real property owner or the owner's
11 designee with duplicates of tenant utility service bills, or may notify
12 an owner or the owner's designee that a tenant's utility account is
13 delinquent. However, if an owner or the owner's designee notifies the
14 city or town in writing that a property served by the city or town is
15 a rental property, asks to be notified of a tenant's delinquency, and
16 has provided, in writing, a complete and accurate mailing address, the
17 city or town shall notify the owner or the owner's designee of a
18 tenant's delinquency at the same time and in the same manner the city
19 or town notifies the tenant of the tenant's delinquency or by mail, and
20 the city or town is prohibited from collecting from the owner or the
21 owner's designee any charges for electric light or power services more
22 than four months past due. When a city or town provides a real
23 property owner or the owner's designee with duplicates of tenant
24 utility service bills or notice that a tenant's utility account is
25 delinquent, the city or town shall notify the tenant that it is
26 providing the duplicate bills or delinquency notice to the owner or the
27 owner's designee.

28 (3) After ((January 1, 1999)) August 1, 2010, if a city or town
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

1 required by this subsection, the city or town shall have no lien
2 against the premises for the tenant's delinquent and unpaid charges and
3 is prohibited from collecting the tenant's delinquent and unpaid
4 charges for electric light or power services from the owner or the
5 owner's designee.

6 (4) When a utility account is in a tenant's name, the owner or the
7 owner's designee shall notify the city or town in writing within
8 fourteen days of the termination of the rental agreement and vacation
9 of the premises. If the owner or the owner's designee fails to provide
10 this notice, a city or town providing electric light or power services
11 is not limited to collecting only up to four months of a tenant's
12 delinquent charges from the owner or the owner's designee, provided
13 that the city or town has complied with the notification requirements
14 of subsection (3) of this section.

15 (5)(a) When service is provided through a master meter, when the
16 address of the real property owner is different from the address of the
17 property served, or when the city or town has been previously notified
18 that a tenant resides at the property served, the city or town shall
19 provide notice of pending disconnection to the service address at least
20 ten calendar days prior to disconnection, so that any tenant has an
21 opportunity to resolve the delinquency or dispute with his or her
22 landlord or to arrange for continued service by opening his or her own
23 utility service account. If requested, a city or town shall provide
24 utility service to a tenant on the same terms and conditions as other
25 utility customers, without requiring that he or she pay delinquent
26 amounts for services owed by the property owner or a previous tenant.

27 (b) This subsection does not affect the validity of any lien
28 authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town
29 who allows a tenant to open his or her own utility service account in
30 these circumstances shall retain the right to collect any delinquent
31 amounts due for service previously provided from the property owner,
32 previous tenant, or both.

33 **Sec. 2.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to
34 read as follows:

35 Except as provided in RCW 35.21.217(4), cities and towns owning
36 their own waterworks, or electric light or power plants shall have a
37 lien against the premises to which water, electric light, or power

1 services were furnished for four months charges therefor due or to
2 become due, but not for any charges more than four months past due(~~(+~~
3 ~~PROVIDED, That the owner of the premises or the owner of a delinquent~~
4 ~~mortgage thereon may give written notice to the superintendent or other~~
5 ~~head of such works or plant to cut off service to such premises~~
6 ~~accompanied by payment or tender of payment of the then delinquent and~~
7 ~~unpaid charges for such service against the premises together with the~~
8 ~~cut-off charge, whereupon the city or town shall have no lien against~~
9 ~~the premises for charges for such service thereafter furnished, nor~~
10 ~~shall the owner of the premises or the owner of a delinquent mortgage~~
11 ~~thereon be held for the payment thereof))."~~

12 Correct the title.

EFFECT: (1) Requires that a municipality provide notice of pending disconnection to the service address at least ten calendar days prior to disconnection when: (a) The service is provided through a master meter; (b) the address of the property owner is different from the address of the property served; or (c) when the municipality has been previously notified that a tenant resides at the property served.

(2) Specifies that, if requested, a city or town must provide utility service to a tenant on the same terms and conditions as other utility customers, without requiring that he or she pay delinquent amounts for services owed by the real property owner or a previous tenant.

(3) Specifies that these provisions do not affect the validity of any lien.

(4) Specifies that a municipality retains the right to collect any delinquent amounts due for service previously provided from the real property owner, previous tenant, or both.

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