

SB 6261 - S AMD 115

By Senators Marr, Schoesler, Berkey, Franklin

ADOPTED AS AMENDED 02/16/2010

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) Before disconnecting utility services, a city or town shall
16 determine whether the property served is rental property and if so,
17 whether the customer of record is the real property owner or a tenant.
18 When the city or town has reasonable grounds to believe that the
19 property served is rental property and the customer of record is the
20 real property owner and not the tenant, the city or town shall
21 undertake reasonable efforts to inform the tenant of the impending
22 disconnection at the same time and in the same manner that it notifies
23 the customer of record. This notice must inform the tenant that, upon
24 request, the city or town shall delay the disconnection of services for
25 ten business days to give the tenant an opportunity to resolve the
26 delinquency or dispute with his or her landlord or to arrange for
27 continued service by opening his or her own utility service account.
28 A city or town shall provide utility services to a tenant on the same
29 terms and conditions as other utility customers, without requiring that
30 he or she pay delinquent amounts for services previously provided to
31 the rental property and owed by the landlord or a previous tenant.

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

34 Except as provided in RCW 35.21.217(4), cities and towns owning
35 their own waterworks, or electric light or power plants shall have a
36 lien against the premises to which water, electric light, or power
37 services were furnished for four months charges therefor due or to

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

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11 On page 1, line 2 of the title, after "property;" strike the
12 remainder of the title and insert "and amending RCW 35.21.217 and
13 35.21.290."

EFFECT: When a utility account is in a tenant's name, the landlord is to notify the city or town within 14 days of when the tenancy is terminated. If the owner fails to provide this notice, the city or town providing electric light or power services is not limited to collecting only up to 4 months of a tenant's delinquent charges.

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