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**SUBSTITUTE SENATE BILL 6261**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Financial Institutions, Housing & Insurance (originally sponsored by Senators Marr, Schoesler, Berkey, Zarelli, and Hobbs)

READ FIRST TIME 02/05/10.

1       AN ACT Relating to utility services collections against rental  
2 property; and amending RCW 35.21.217 and 35.21.290.

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

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

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

11       (2) A city or town may provide a real property owner or the owner's  
12 designee with duplicates of tenant utility service bills, or may notify  
13 an owner or the owner's designee that a tenant's utility account is  
14 delinquent. However, if an owner or the owner's designee notifies the  
15 city or town in writing that a property served by the city or town is  
16 a rental property, asks to be notified of a tenant's delinquency, and  
17 has provided, in writing, a complete and accurate mailing address, the  
18 city or town shall notify the owner or the owner's designee of a  
19 tenant's delinquency at the same time and in the same manner the city

1 or town notifies the tenant of the tenant's delinquency or by mail.  
2 When a city or town provides a real property owner or the owner's  
3 designee with duplicates of tenant utility service bills or notice that  
4 a tenant's utility account is delinquent, the city or town shall notify  
5 the tenant that it is providing the duplicate bills or delinquency  
6 notice to the owner or the owner's designee. After ~~((January 1, 1999))~~  
7 August 1, 2010, if a city or town fails to notify the owner of a  
8 tenant's delinquency after receiving a written request to do so and  
9 after receiving the other information required by this subsection, the  
10 city or town shall have no lien against the premises for the tenant's  
11 delinquent and unpaid charges and is prohibited from collecting the  
12 tenant's delinquent and unpaid charges for electric light or power  
13 services from the owner or the owner's designee.

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

16 Cities and towns owning their own waterworks, or electric light or  
17 power plants shall have a lien against the premises to which water,  
18 electric light, or power services were furnished for four months  
19 charges therefor due or to become due, but not for any charges more  
20 than four months past due(~~(:— PROVIDED, That the owner of the premises~~  
21 ~~or the owner of a delinquent mortgage thereon may give written notice~~  
22 ~~to the superintendent or other head of such works or plant to cut off~~  
23 ~~service to such premises accompanied by payment or tender of payment of~~  
24 ~~the then delinquent and unpaid charges for such service against the~~  
25 ~~premises together with the cut-off charge, whereupon the city or town~~  
26 ~~shall have no lien against the premises for charges for such service~~  
27 ~~thereafter furnished, nor shall the owner of the premises or the owner~~  
28 ~~of a delinquent mortgage thereon be held for the payment thereof)).~~  
29 However, if a real property owner or the owner's designee notifies the  
30 city or town providing electric light or power services in writing that  
31 the property served by the city or town is a rental property, asks to  
32 be notified of a tenant's delinquency, and has provided in writing a  
33 complete and accurate mailing address, the city or town shall notify  
34 the owner or the owner's designee of a tenant's delinquency at the same  
35 time and in the same manner the city or town notifies the tenant of the  
36 tenant's delinquency, or by mail, and the city or town is prohibited  
37 from collecting from the owner or owner's designee any charges for

1 electric light or power services more than four months past due.  
2 Before disconnecting utility services, a city or town shall determine  
3 whether the property served is rental property and if so, whether the  
4 customer of record is the real property owner or a tenant. When the  
5 city or town has reasonable grounds to believe that the property served  
6 is rental property and the customer of record is the real property  
7 owner and not the tenant, the city or town shall undertake reasonable  
8 efforts to inform the tenant of the impending disconnection at the same  
9 time and in the same manner that it notifies the customer of record.  
10 This notice shall inform the tenant that, upon request, the city or  
11 town shall delay the disconnection of services for ten business days to  
12 give the tenant an opportunity to resolve the delinquency or dispute  
13 with his or her landlord or to arrange for continued service by opening  
14 his or her own utility service account. A city or town shall provide  
15 utility services to a tenant on the same terms and conditions as other  
16 utility customers, without requiring that he or she pay delinquent  
17 amounts for services previously provided to the rental property and  
18 owed by the landlord or a previous tenant.

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