
ENGROSSED SENATE BILL 6261

State of Washington

61st Legislature

2010 Regular Session

By Senators Marr, Schoesler, Berkey, Zarelli, and Hobbs

Read first time 01/11/10. Referred to Committee on Financial Institutions, Housing & Insurance.

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, and
2 the city or town is prohibited from collecting from the owner or the
3 owner's designee any charges for electric light or power services more
4 than four months past due. When a city or town provides a real
5 property owner or the owner's designee with duplicates of tenant
6 utility service bills or notice that a tenant's utility account is
7 delinquent, the city or town shall notify the tenant that it is
8 providing the duplicate bills or delinquency notice to the owner or the
9 owner's designee.

10 (3) After (~~January 1, 1999~~) August 1, 2010, if a city or town
11 fails to notify the owner of a tenant's delinquency after receiving a
12 written request to do so and after receiving the other information
13 required by this subsection, the city or town shall have no lien
14 against the premises for the tenant's delinquent and unpaid charges and
15 is prohibited from collecting the tenant's delinquent and unpaid
16 charges for electric light or power services from the owner or the
17 owner's designee.

18 (4) When a utility account is in a tenant's name, the owner or the
19 owner's designee shall notify the city or town in writing within
20 fourteen days of the termination of the rental agreement and vacation
21 of the premises. If the owner or the owner's designee fails to provide
22 this notice, a city or town providing electric light or power services
23 is not limited to collecting only up to four months of a tenant's
24 delinquent charges from the owner or the owner's designee, provided
25 that the city or town has complied with the notification requirements
26 of subsection (3) of this section.

27 (5) When the utility account for a rental property is in the
28 owner's name and a city or town has been previously notified that a
29 tenant resides at that property, the city or town shall provide notice
30 of pending disconnection of electric light or power services to such
31 tenant at least ten calendar days prior to disconnection, so that the
32 tenant has an opportunity to resolve the delinquency or dispute with
33 his or her landlord or to arrange for continued service by opening his
34 or her own utility service account. Payment of delinquent amounts due
35 on the owner's utility account at the time of such notice shall be paid
36 by the owner of the rental property and the tenant shall not be
37 required to pay the same.

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

3 Except as provided in RCW 35.21.217(4), cities and towns owning
4 their own waterworks, or electric light or power plants shall have a
5 lien against the premises to which water, electric light, or power
6 services were furnished for four months charges therefor due or to
7 become due, but not for any charges more than four months past due(~~(+~~
8 ~~PROVIDED, That the owner of the premises or the owner of a delinquent~~
9 ~~mortgage thereon may give written notice to the superintendent or other~~
10 ~~head of such works or plant to cut off service to such premises~~
11 ~~accompanied by payment or tender of payment of the then delinquent and~~
12 ~~unpaid charges for such service against the premises together with the~~
13 ~~cut off charge, whereupon the city or town shall have no lien against~~
14 ~~the premises for charges for such service thereafter furnished, nor~~
15 ~~shall the owner of the premises or the owner of a delinquent mortgage~~
16 ~~thereon be held for the payment thereof)).~~

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