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SENATE BILL 6261

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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.  
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 from the owner or the owner's  
13 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 in writing that the property served by the city or town is  
31 a rental property, asks to be notified of a tenant's delinquency, and  
32 has provided in writing a complete and accurate mailing address, the  
33 city or town shall notify the owner or the owner's designee of a  
34 tenant's delinquency at the same time and in the same manner the city  
35 or town notifies the tenant of the tenant's delinquency, or by mail,

1 and the city or town is prohibited from collecting from the owner's or  
2 owner's designee any charges more than four months past due.

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