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HOUSE BILL 1852

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Kelley, McCune, Ladenburg, Kirby, and Green

Read first time 02/07/11. Referred to Committee on Local Government.

1            AN ACT Relating to the lien for collection of sewer utility charges  
2 by counties; and amending RCW 36.94.150.

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

4            **Sec. 1.** RCW 36.94.150 and 1997 c 393 s 9 are each amended to read  
5 as follows:

6            (1) All counties operating a system of sewerage and/or water shall  
7 have a lien for delinquent connection charges and charges for the  
8 availability of sewerage and/or water service, together with interest  
9 fixed by resolution at eight percent per annum from the date due until  
10 paid. Penalties of not more than ten percent of the amount due may be  
11 imposed in case of failure to pay the charges at times fixed by  
12 resolution. The lien shall be for all charges, interest, and penalties  
13 and shall attach to the premises to which the services were available.  
14 The lien shall be superior to all other liens and encumbrances, except  
15 general taxes and local and special assessments of the county.

16            (2) The county department established in RCW 36.94.120 shall  
17 certify periodically the delinquencies to the auditor of the county at  
18 which time the lien shall attach.

1       (3) In lieu of the procedure provided in subsection (2) of this  
2 section, a county may, by resolution or ordinance, adopt the  
3 alternative procedure applicable to cities and towns set forth in RCW  
4 35.67.210, 35.67.215, and 35.67.290.

5       (4) Upon the expiration of sixty days after the attachment of the  
6 lien, the county may bring suit in foreclosure by civil action in the  
7 superior court of the county where the property is located. Costs  
8 associated with the foreclosure of the lien, including but not limited  
9 to advertising, title report, and personnel costs, shall be added to  
10 the lien upon filing of the foreclosure action. In addition to the  
11 costs and disbursements provided by statute, the court may allow the  
12 county a reasonable attorney's fee. The lien shall be foreclosed in  
13 the same manner as the foreclosure of real property tax liens.

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