
Local Government Committee

ESB 5514

Brief Description: Concerning utility rates and charges for vacant lots in manufactured housing communities.

Sponsors: Senators Roach and Benton.

Brief Summary of Engrossed Bill

- Prohibits rates, charges, noncapital fees, or other costs associated with water, light, power, heat, sewer, and drainages systems for any vacant lot in a manufactured housing community unless: (a) the lot individually receives these services; or (b) the landlord voluntarily elects to continue the rates, charges, noncapital fees, or other costs during the period the lot is vacant.

Hearing Date: 2/24/14

Staff: Amanda Ondrick (786-7296).

Background:

General purpose and selected special purpose local governments are authorized to provide water-related utility services. This includes cities, towns, counties, metropolitan municipal corporations, water-sewer districts, and public utility districts.

Cities, Towns, and Counties.

Cities and towns are granted broad powers with respect to municipal utilities. For example, cities and towns may establish, construct, maintain systems of sewers, drains, and water supplies within and outside of their corporate limits. In exercising these powers, cities and towns have extensive powers to control, regulate, manage, and establish service prices related to these systems. Cities and towns have authority to control the rates and charges for water and sewers.

Similarly, counties may adopt, provide for, accept, establish, condemn, purchase, construct, add to, operate, and maintain sanitary and storm sewer systems and water supply systems within all

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

or a portion of a county. In exercising these powers, counties may control, regulate, operate, and manage these systems. Counties have authority to fix rates and charges for storm water or surface water services, facilities, or systems.

Metropolitan Municipal Corporation, Water-Sewer Districts, Public Utility Districts.

Any area of the state containing two or more cities, of which at least one has a population of 10,000 or more, may create a metropolitan municipal corporation to perform one or more of the following functions: water pollution abatement, water supply, public transportation, garbage disposal, parks and parkways, and comprehensive planning. Metropolitan municipal corporations have the authority to fix rates and charges for water supplied by the metropolitan municipal corporation.

Water-sewer districts have specifically enumerated powers in statute, including the authority to purchase, construct, maintain, and supply waterworks to furnish water to inhabitants within and outside of the district. Water-sewer districts are also authorized to develop and operate systems of sewers and drainage, and may create facilities, systems, and programs for the collection, interception, treatment, disposal, and pollution control of wastewater. Water-sewer districts may exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage.

Public utility districts, a type of special purpose district, are created by and for the communities they serve and may provide water, electricity, conservation, and telecommunications services. Public utility districts are authorized to establish rates and charges for providing electric energy, water, and sewer services.

Manufactured homes.

Under state statute, a manufactured home has two definitions:

- a single-family dwelling built in accordance with federal law, which: (a) includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections that are at least 8 feet wide and 40 feet long, or when installed on-site, is 320 square feet or greater; or
- a structure that is designed and constructed to be transportable in one or more sections, built on a permanent chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities (*e.g.*, plumbing, heating, and electrical systems).

Summary of Bill:

Rates, charges, noncapital fees, or other costs associated with water, light, power, heat, sewer and drainage systems may not be charged for any vacant lot in a manufactured housing community unless: (a) the lot individually receives these services; or (b) the landlord voluntarily elects to continue the rates, charges, noncapital fees, or other costs during the period the lot is vacant.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.