

# SENATE BILL REPORT

## SB 5218

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As of February 4, 2013

**Title:** An act relating to the lien for collection of sewer utility charges by counties.

**Brief Description:** Revising the lien for collection of sewer charges by counties.

**Sponsors:** Senators Dammeier, Benton, Conway, Roach, Darneille and Billig.

**Brief History:**

**Committee Activity:** Governmental Operations: 2/04/13.

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Staff:** Karen Epps (786-7424)

**Background:** Counties that operate a water or sewer system are required to have a lien on the applicable property for delinquent charges. The lien is for all charges, interest, and penalties, and attaches to the premises to which the services were provided. After 60 days, the county may bring a foreclosure action in superior court in the county where the property is located. The lien is subject to foreclosure in the same manner as the foreclosure of a real property tax lien.

Cities and towns have the authority to impose a sewerage lien for up to six months without recording with the county auditor. The sewerage lien is recorded in the same manner as a mechanic's lien. An action to foreclose a six months' lien may be commenced at any time after six months. The sewerage lien includes all charges, interest, penalties, and lien recording and release fees. Cities and towns operating their own municipal water system may also terminate water service to the applicable property until the charges are paid.

**Summary of Bill:** A county that operates a sewer or water system may impose a sewerage lien for up to six months without recording the lien with the county auditor. Additionally, a county may enforce the lien by terminating water service to the property. A sewerage lien may be imposed by the county for up to one year by resolution or ordinance without recording with the county auditor. The lien includes all charges, interest, penalties, and lien recording and release fees.

**Appropriation:** None.

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*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.*

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill allows county utilities to use the same tool for sewerage liens that cities currently utilize. This bill gives a county options to work out delinquent charges short of a full lien with foreclosure at the end. There are three counties that provide sewer service, Pierce, Kitsap, and Spokane counties. This would be a nice change for the customer and the county utility. This bill would be a benefit to sewer utility customers by allowing them to work with the county before a lien is filed, adding additional lien charges. This bill also helps so that the county does not have to go through the administrative burden of recording a lien on the property with the county auditor.

**Persons Testifying:** PRO: Senator Dammeier, prime sponsor; Brynn Brady, Pierce County; Cynthia McClelland, Pierce County Public Works & Utilities.