
SENATE BILL 5514

State of Washington

63rd Legislature

2013 Regular Session

By Senators Roach and Benton

Read first time 02/01/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to utility rates and charges for vacant mobile home
2 lots in manufactured housing communities; and amending RCW 35.23.535,
3 35.58.220, 35.67.020, 35.92.010, 35.92.020, 36.89.080, 36.94.140,
4 54.24.080, and 57.08.081.

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

6 **Sec. 1.** RCW 35.23.535 and 1995 c 301 s 37 are each amended to read
7 as follows:

8 No taxes shall be imposed for maintenance and operating charges of
9 city owned water, light, power, or heating works or systems.

10 Rates shall be fixed by ordinance for supplying water, light,
11 power, or heat for commercial, domestic, or irrigation purposes
12 sufficient to pay for all operating and maintenance charges. No rates,
13 charges, noncapital fees, or other costs may be charged to a mobile
14 home lot in a manufactured housing community, as defined in RCW
15 59.20.030, while the lot is vacant unless the lot is receiving
16 individually water, light, power, or heat services or the landlord
17 voluntarily elects to continue the rates, charges, noncapital fees, or
18 other costs during the period the lot is vacant. If the rates in force

1 produce a greater amount than is necessary to meet operating and
2 maintenance charges, the rates may be reduced or the excess income may
3 be transferred to the city's current expense fund.

4 Complete separate accounts for municipal utilities must be kept
5 under the system and on forms prescribed by the state auditor.

6 The term "maintenance and operating charges," as used in this
7 section includes all necessary repairs, replacement, interest on any
8 debts incurred in acquiring, constructing, repairing and operating
9 plants and departments and all depreciation charges. This term shall
10 also include an annual charge equal to four percent on the cost of the
11 plant or system, as determined by the state auditor to be paid into the
12 current expense fund, except that where utility bonds have been or may
13 hereafter be issued and are unpaid no payment shall be required into
14 the current expense fund until such bonds are paid.

15 **Sec. 2.** RCW 35.58.220 and 1999 c 153 s 34 are each amended to read
16 as follows:

17 (1) If a metropolitan municipal corporation shall be authorized to
18 perform the function of metropolitan water supply, it shall have the
19 following powers in addition to the general powers granted by this
20 chapter:

21 ~~((1))~~ (a) To prepare a comprehensive plan for the development of
22 sources of water supply, trunk supply mains and water treatment and
23 storage facilities for the metropolitan area.

24 ~~((2))~~ (b) To acquire by purchase, condemnation, gift or grant and
25 to lease, construct, add to, improve, replace, repair, maintain,
26 operate and regulate the use of metropolitan facilities for water
27 supply within or without the metropolitan area, including buildings,
28 structures, water sheds, wells, springs, dams, settling basins,
29 intakes, treatment plants, trunk supply mains and pumping stations,
30 together with all lands, property, equipment and accessories necessary
31 to enable the metropolitan municipal corporation to obtain and develop
32 sources of water supply, treat and store water and deliver water
33 through trunk supply mains. Water supply facilities which are owned by
34 a city or special district may be acquired or used by the metropolitan
35 municipal corporation only with the consent of the legislative body of
36 the city or special district owning such facilities. Cities and
37 special districts are hereby authorized to convey or lease such

1 facilities to metropolitan municipal corporations or to contract for
2 their joint use on such terms as may be fixed by agreement between the
3 legislative body of such city or special district and the metropolitan
4 council, without submitting the matter to the voters of such city or
5 special district.

6 ~~((3))~~ (c) To fix rates and charges for water supplied by the
7 metropolitan municipal corporation.

8 ~~((4))~~ (d) To acquire by purchase, condemnation, gift or grant and
9 to lease, construct, add to, improve, replace, repair, maintain,
10 operate and regulate the use of facilities for the local distribution
11 of water in portions of the metropolitan area not contained within any
12 city, or water-sewer district that operates a water system, and, with
13 the consent of the legislative body of any city or the water-sewer
14 district, to exercise such powers within such city or water-sewer
15 district and for such purpose to have all the powers conferred by law
16 upon such city or water-sewer district with respect to such local
17 distribution facilities. All costs of such local distribution
18 facilities shall be paid for by the area served thereby.

19 (2) No rates, charges, noncapital fees, or other costs may be
20 charged to a mobile home lot in a manufactured housing community, as
21 defined in RCW 59.20.030, while the lot is vacant unless the lot is
22 receiving individually water services or the landlord voluntarily
23 elects to continue the rates, charges, noncapital fees, or other costs
24 during the period the lot is vacant.

25 **Sec. 3.** RCW 35.67.020 and 2003 c 394 s 1 are each amended to read
26 as follows:

27 (1) Every city and town may construct, condemn and purchase,
28 acquire, add to, maintain, conduct, and operate systems of sewerage and
29 systems and plants for refuse collection and disposal together with
30 additions, extensions, and betterments thereto, within and without its
31 limits. Every city and town has full jurisdiction and authority to
32 manage, regulate, and control them and, except as provided in
33 subsection (3) of this section, to fix, alter, regulate, and control
34 the rates and charges for their use.

35 (2) Subject to subsection (3) of this section, the rates charged
36 under this section must be uniform for the same class of customers or
37 service and facilities furnished. In classifying customers served or

1 service and facilities furnished by such system of sewerage, the city
2 or town legislative body may in its discretion consider any or all of
3 the following factors:

4 (a) The difference in cost of service and facilities to the various
5 customers;

6 (b) The location of the various customers within and without the
7 city or town;

8 (c) The difference in cost of maintenance, operation, repair, and
9 replacement of the various parts of the system;

10 (d) The different character of the service and facilities furnished
11 various customers;

12 (e) The quantity and quality of the sewage delivered and the time
13 of its delivery;

14 (f) The achievement of water conservation goals and the
15 discouragement of wasteful water use practices;

16 (g) Capital contributions made to the system, including but not
17 limited to, assessments;

18 (h) The nonprofit public benefit status, as defined in RCW
19 24.03.490, of the land user; and

20 (i) Any other matters which present a reasonable difference as a
21 ground for distinction.

22 (3)(a) The rate a city or town may charge under this section for
23 storm or surface water sewer systems or the portion of the rate
24 allocable to the storm or surface water sewer system of combined
25 sanitary sewage and storm or surface water sewer systems shall be
26 reduced by a minimum of ten percent for any new or remodeled commercial
27 building that utilizes a permissive rainwater harvesting system.
28 Rainwater harvesting systems shall be properly sized to utilize the
29 available roof surface of the building. The jurisdiction shall
30 consider rate reductions in excess of ten percent dependent upon the
31 amount of rainwater harvested.

32 (b) No rates, charges, noncapital fees, or other costs may be
33 charged to a mobile home lot in a manufactured housing community, as
34 defined in RCW 59.20.030, while the lot is vacant unless the lot is
35 receiving individually storm or surface water sewer system or sanitary
36 sewage system services or the landlord voluntarily elects to continue
37 the rates, charges, noncapital fees, or other costs during the period
38 the lot is vacant.

1 (4) Rates or charges for on-site inspection and maintenance
2 services may not be imposed under this chapter on the development,
3 construction, or reconstruction of property.

4 (5) A city or town may provide assistance to aid low-income persons
5 in connection with services provided under this chapter.

6 (6) Under this chapter, after July 1, 1998, any requirements for
7 pumping the septic tank of an on-site sewage system should be based,
8 among other things, on actual measurement of accumulation of sludge and
9 scum by a trained inspector, trained owner's agent, or trained owner.
10 Training must occur in a program approved by the state board of health
11 or by a local health officer.

12 (7) Before adopting on-site inspection and maintenance utility
13 services, or incorporating residences into an on-site inspection and
14 maintenance or sewer utility under this chapter, notification must be
15 provided, prior to the applicable public hearing, to all residences
16 within the proposed service area that have on-site systems permitted by
17 the local health officer. The notice must clearly state that the
18 residence is within the proposed service area and must provide
19 information on estimated rates or charges that may be imposed for the
20 service.

21 (8) A city or town shall not provide on-site sewage system
22 inspection, pumping services, or other maintenance or repair services
23 under this section using city or town employees unless the on-site
24 system is connected by a publicly owned collection system to the city
25 or town's sewerage system, and the on-site system represents the first
26 step in the sewage disposal process. Nothing in this section shall
27 affect the authority of state or local health officers to carry out
28 their responsibilities under any other applicable law.

29 **Sec. 4.** RCW 35.92.010 and 2002 c 102 s 2 are each amended to read
30 as follows:

31 A city or town may construct, condemn and purchase, purchase,
32 acquire, add to, alter, maintain and operate waterworks, including fire
33 hydrants as an integral utility service incorporated within general
34 rates, within or without its limits, for the purpose of furnishing the
35 city and its inhabitants, and any other persons, with an ample supply
36 of water for all purposes, public and private, including water power
37 and other power derived therefrom, with full power to regulate and

1 control the use, distribution, and price thereof: PROVIDED, That the
2 rates charged must be uniform for the same class of customers or
3 service. Such waterworks may include facilities for the generation of
4 electricity as a by-product and such electricity may be used by the
5 city or town or sold to an entity authorized by law to distribute
6 electricity. Such electricity is a by-product when the electrical
7 generation is subordinate to the primary purpose of water supply.

8 In classifying customers served or service furnished, the city or
9 town governing body may in its discretion consider any or all of the
10 following factors: The difference in cost of service to the various
11 customers; location of the various customers within and without the
12 city or town; the difference in cost of maintenance, operation, repair,
13 and replacement of the various parts of the system; the different
14 character of the service furnished various customers; the quantity and
15 quality of the water furnished; the time of its use; the achievement of
16 water conservation goals and the discouragement of wasteful water use
17 practices; capital contributions made to the system including, but not
18 limited to, assessments; and any other matters which present a
19 reasonable difference as a ground for distinction. No rate shall be
20 charged that is less than the cost of the water and service to the
21 class of customers served. No rates, charges, noncapital fees, or
22 other costs may be charged to a mobile home lot in a manufactured
23 housing community, as defined in RCW 59.20.030, while the lot is vacant
24 unless the lot is receiving individually water services or the landlord
25 voluntarily elects to continue the rates, charges, noncapital fees, or
26 other costs during the period the lot is vacant.

27 For such purposes any city or town may take, condemn and purchase,
28 purchase, acquire, and retain water from any public or navigable lake
29 or watercourse, surface or ground, and, by means of aqueducts or pipe
30 lines, conduct it to the city or town; and it may erect and build dams
31 or other works across or at the outlet of any lake or watercourse in
32 this state for the purpose of storing and retaining water therein up to
33 and above high water mark; and for all the purposes of erecting such
34 aqueducts, pipe lines, dams, or waterworks or other necessary
35 structures in storing and retaining water, or for any of the purposes
36 provided for by this chapter, the city or town may occupy and use the
37 beds and shores up to the high water mark of any such watercourse or
38 lake, and acquire the right by purchase, or by condemnation and

1 purchase, or otherwise, to any water, water rights, easements or
2 privileges named in this chapter, or necessary for any of said
3 purposes, and the city or town may acquire by purchase or condemnation
4 and purchase any properties or privileges necessary to be had to
5 protect its water supply from pollution. Should private property be
6 necessary for any such purposes or for storing water above high water
7 mark, the city or town may condemn and purchase, or purchase and
8 acquire such private property. For the purposes of waterworks which
9 include facilities for the generation of electricity as a by-product,
10 nothing in this section may be construed to authorize a city or town
11 that does not own or operate an electric utility system to condemn
12 electric generating, transmission, or distribution rights or facilities
13 of entities authorized by law to distribute electricity, or to acquire
14 such rights or facilities without the consent of the owner.

15 **Sec. 5.** RCW 35.92.020 and 2003 c 394 s 2 are each amended to read
16 as follows:

17 (1) A city or town may construct, condemn and purchase, purchase,
18 acquire, add to, alter, maintain, and operate systems, plants, sites,
19 or other facilities of sewerage as defined in RCW 35.67.010, or solid
20 waste handling as defined by RCW 70.95.030. A city or town shall have
21 full authority to manage, regulate, operate, control, and, except as
22 provided in subsection (3) of this section, to fix the price of service
23 and facilities of those systems, plants, sites, or other facilities
24 within and without the limits of the city or town.

25 (2) Subject to subsection (3) of this section, the rates charged
26 shall be uniform for the same class of customers or service and
27 facilities. In classifying customers served or service and facilities
28 furnished by a system or systems of sewerage, the legislative authority
29 of the city or town may in its discretion consider any or all of the
30 following factors:

- 31 (a) The difference in cost of service and facilities to customers;
32 (b) The location of customers within and without the city or town;
33 (c) The difference in cost of maintenance, operation, repair, and
34 replacement of the parts of the system;
35 (d) The different character of the service and facilities furnished
36 to customers;

1 (e) The quantity and quality of the sewage delivered and the time
2 of its delivery;

3 (f) Capital contributions made to the systems, plants, sites, or
4 other facilities, including but not limited to, assessments;

5 (g) The nonprofit public benefit status, as defined in RCW
6 24.03.490, of the land user; and

7 (h) Any other factors that present a reasonable difference as a
8 ground for distinction.

9 (3)(a) The rate a city or town may charge under this section for
10 storm or surface water sewer systems or the portion of the rate
11 allocable to the storm or surface water sewer system of combined
12 sanitary sewage and storm or surface water sewer systems shall be
13 reduced by a minimum of ten percent for any new or remodeled commercial
14 building that utilizes a permissive rainwater harvesting system.
15 Rainwater harvesting systems shall be properly sized to utilize the
16 available roof surface of the building. The jurisdiction shall
17 consider rate reductions in excess of ten percent dependent upon the
18 amount of rainwater harvested.

19 (b) No rates, charges, noncapital fees, or other costs may be
20 charged to a mobile home lot in a manufactured housing community, as
21 defined in RCW 59.20.030, while the lot is vacant unless the lot is
22 receiving individually storm or surface water sewer system or sanitary
23 sewage system services or the landlord voluntarily elects to continue
24 the rates, charges, noncapital fees, or other costs during the period
25 the lot is vacant.

26 (4) Rates or charges for on-site inspection and maintenance
27 services may not be imposed under this chapter on the development,
28 construction, or reconstruction of property.

29 (5) A city or town may provide assistance to aid low-income persons
30 in connection with services provided under this chapter.

31 (6) Under this chapter, after July 1, 1998, any requirements for
32 pumping the septic tank of an on-site sewage system should be based,
33 among other things, on actual measurement of accumulation of sludge and
34 scum by a trained inspector, trained owner's agent, or trained owner.
35 Training must occur in a program approved by the state board of health
36 or by a local health officer.

37 (7) Before adopting on-site inspection and maintenance utility
38 services, or incorporating residences into an on-site inspection and

1 maintenance or sewer utility under this chapter, notification must be
2 provided, prior to the applicable public hearing, to all residences
3 within the proposed service area that have on-site systems permitted by
4 the local health officer. The notice must clearly state that the
5 residence is within the proposed service area and must provide
6 information on estimated rates or charges that may be imposed for the
7 service.

8 (8) A city or town shall not provide on-site sewage system
9 inspection, pumping services, or other maintenance or repair services
10 under this section using city or town employees unless the on-site
11 system is connected by a publicly owned collection system to the city
12 or town's sewerage system, and the on-site system represents the first
13 step in the sewage disposal process. Nothing in this section shall
14 affect the authority of state or local health officers to carry out
15 their responsibilities under any other applicable law.

16 **Sec. 6.** RCW 36.89.080 and 2003 c 394 s 3 are each amended to read
17 as follows:

18 (1) Subject to subsections (2) and (3) of this section, any county
19 legislative authority may provide by resolution for revenues by fixing
20 rates and charges for the furnishing of service to those served or
21 receiving benefits or to be served or to receive benefits from any
22 storm water control facility or contributing to an increase of surface
23 water runoff. In fixing rates and charges, the county legislative
24 authority may in its discretion consider:

- 25 (a) Services furnished or to be furnished;
- 26 (b) Benefits received or to be received;
- 27 (c) The character and use of land or its water runoff
28 characteristics;
- 29 (d) The nonprofit public benefit status, as defined in RCW
30 24.03.490, of the land user;
- 31 (e) Income level of persons served or provided benefits under this
32 chapter, including senior citizens and (~~disabled~~) persons with
33 disabilities; or
- 34 (f) Any other matters which present a reasonable difference as a
35 ground for distinction.

36 (2) The rate a county may charge under this section for storm water
37 control facilities shall be reduced by a minimum of ten percent for any

1 new or remodeled commercial building that utilizes a permissive
2 rainwater harvesting system. Rainwater harvesting systems shall be
3 properly sized to utilize the available roof surface of the building.
4 The jurisdiction shall consider rate reductions in excess of ten
5 percent dependent upon the amount of rainwater harvested.

6 (3) Rates and charges authorized under this section may not be
7 imposed on lands taxed as forest land under chapter 84.33 RCW or as
8 timber land under chapter 84.34 RCW.

9 (4) No rates, charges, noncapital fees, or other costs may be
10 charged to a mobile home lot in a manufactured housing community, as
11 defined in RCW 59.20.030, while the lot is vacant unless the lot is
12 receiving individually storm water control facility services or the
13 landlord voluntarily elects to continue the rates, charges, noncapital
14 fees, or other costs during the period the lot is vacant.

15 (5) The service charges and rates collected shall be deposited in
16 a special fund or funds in the county treasury to be used only for the
17 purpose of paying all or any part of the cost and expense of
18 maintaining and operating storm water control facilities, all or any
19 part of the cost and expense of planning, designing, establishing,
20 acquiring, developing, constructing and improving any of such
21 facilities, or to pay or secure the payment of all or any portion of
22 any issue of general obligation or revenue bonds issued for such
23 purpose.

24 **Sec. 7.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to read
25 as follows:

26 (1) Every county, in the operation of a system of sewerage and/or
27 water, shall have full jurisdiction and authority to manage, regulate,
28 and control it. Except as provided in subsection (3) of this section,
29 every county shall have full jurisdiction and authority to fix, alter,
30 regulate, and control the rates and charges for the service and
31 facilities to those to whom such service and facilities are available,
32 and to levy charges for connection to the system.

33 (2) The rates for availability of service and facilities, and
34 connection charges so charged must be uniform for the same class of
35 customers or service and facility. In classifying customers served,
36 service furnished or made available by such system of sewerage and/or

1 water, or the connection charges, the county legislative authority may
2 consider any or all of the following factors:

3 (a) The difference in cost of service to the various customers
4 within or without the area;

5 (b) The difference in cost of maintenance, operation, repair and
6 replacement of the various parts of the systems;

7 (c) The different character of the service and facilities furnished
8 various customers;

9 (d) The quantity and quality of the sewage and/or water delivered
10 and the time of its delivery;

11 (e) Capital contributions made to the system or systems, including,
12 but not limited to, assessments;

13 (f) The cost of acquiring the system or portions of the system in
14 making system improvements necessary for the public health and safety;

15 (g) The nonprofit public benefit status, as defined in RCW
16 24.03.490, of the land user; and

17 (h) Any other matters which present a reasonable difference as a
18 ground for distinction.

19 (3)(a) The rate a county may charge under this section for storm or
20 surface water sewer systems or the portion of the rate allocable to the
21 storm or surface water sewer system of combined sanitary sewage and
22 storm or surface water sewer systems shall be reduced by a minimum of
23 ten percent for any new or remodeled commercial building that utilizes
24 a permissive rainwater harvesting system. Rainwater harvesting systems
25 shall be properly sized to utilize the available roof surface of the
26 building. The jurisdiction shall consider rate reductions in excess of
27 ten percent dependent upon the amount of rainwater harvested.

28 (b) No rates, charges, noncapital fees, or other costs may be
29 charged to a mobile home lot in a manufactured housing community, as
30 defined in RCW 59.20.030, while the lot is vacant unless the lot is
31 receiving individually storm or surface water sewer system or sanitary
32 sewage system services or the landlord voluntarily elects to continue
33 the rates, charges, noncapital fees, or other costs during the period
34 the lot is vacant.

35 (4) A county may provide assistance to aid low-income persons in
36 connection with services provided under this chapter.

37 (5) The service charges and rates shall produce revenues sufficient
38 to take care of the costs of maintenance and operation, revenue bond

1 and warrant interest and principal amortization requirements, and all
2 other charges necessary for the efficient and proper operation of the
3 system.

4 (6) A connection charge under this section for service to a
5 manufactured housing community, as defined in RCW 59.20.030, applies to
6 an individual lot within that community only if the system of water or
7 sewerage provides and maintains the connection.

8 **Sec. 8.** RCW 54.24.080 and 1995 c 140 s 3 are each amended to read
9 as follows:

10 (1) The commission of each district which shall have revenue
11 obligations outstanding shall have the power and shall be required to
12 establish, maintain, and collect rates or charges for electric energy
13 and water and other services, facilities, and commodities sold,
14 furnished, or supplied by the district. The rates and charges shall be
15 fair and, except as authorized by RCW 74.38.070 and by subsections (2)
16 and (3) of this section, nondiscriminatory, and shall be adequate to
17 provide revenues sufficient for the payment of the principal of and
18 interest on such revenue obligations for which the payment has not
19 otherwise been provided and all payments which the district is
20 obligated to set aside in any special fund or funds created for such
21 purpose, and for the proper operation and maintenance of the public
22 utility and all necessary repairs, replacements, and renewals thereof.

23 (2) The commission of a district may waive connection charges for
24 properties purchased by low-income persons from organizations exempt
25 from tax under section 501(c)(3) of the federal internal revenue code
26 as amended prior to the July 23, 1995. Waivers of connection charges
27 for the same class of electric or gas utility service must be uniformly
28 applied to all qualified property. Nothing in this subsection (2)
29 authorizes the impairment of a contract.

30 (3) In establishing rates or charges for water service,
31 commissioners may in their discretion consider the achievement of water
32 conservation goals and the discouragement of wasteful water use
33 practices.

34 (4) No rates, charges, noncapital fees, or other costs may be
35 charged to a mobile home lot in a manufactured housing community, as
36 defined in RCW 59.20.030, while the lot is vacant unless the lot is

1 receiving individually electric energy or water services or the
2 landlord voluntarily elects to continue the rates, charges, noncapital
3 fees, or other costs during the period the lot is vacant.

4 **Sec. 9.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to read
5 as follows:

6 (1) Subject to RCW 57.08.005(~~((6+))~~)(7), the commissioners of any
7 district shall provide for revenues by fixing rates and charges for
8 furnishing sewer and drainage service and facilities to those to whom
9 service is available or for providing water, such rates and charges to
10 be fixed as deemed necessary by the commissioners, so that uniform
11 charges will be made for the same class of customer or service and
12 facility. Rates and charges may be combined for the furnishing of more
13 than one type of sewer or drainage service and facilities.

14 (2) In classifying customers of such water, sewer, or drainage
15 system, the board of commissioners may in its discretion consider any
16 or all of the following factors: The difference in cost to various
17 customers; the location of the various customers within and without the
18 district; the difference in cost of maintenance, operation, repair, and
19 replacement of the various parts of the system; the different character
20 of the service furnished various customers; the quantity and quality of
21 the service and facility furnished; the time of its use; the
22 achievement of water conservation goals and the discouragement of
23 wasteful practices; capital contributions made to the system including
24 but not limited to assessments; and any other matters which present a
25 reasonable difference as a ground for distinction. Rates shall be
26 established as deemed proper by the commissioners and as fixed by
27 resolution and shall produce revenues sufficient to take care of the
28 costs of maintenance and operation, revenue bond and warrant interest
29 and principal amortization requirements, and all other charges
30 necessary for efficient and proper operation of the system. No rates,
31 charges, noncapital fees, or other costs may be charged to a mobile
32 home lot in a manufactured housing community, as defined in RCW
33 59.20.030, while the lot is vacant unless the lot is receiving
34 individually water, sewer, or drainage system services or the landlord
35 voluntarily elects to continue the rates, charges, noncapital fees, or
36 other costs during the period the lot is vacant. Prior to furnishing

1 services, a district may require a deposit to guarantee payment for
2 services. However, failure to require a deposit does not affect the
3 validity of any lien authorized by this section.

4 (3) The commissioners shall enforce collection of connection
5 charges, and rates and charges for water supplied against property
6 owners connecting with the system or receiving such water, and for
7 sewer and drainage services charged against property to which and its
8 owners to whom the service is available, such charges being deemed
9 charges against the property served, by addition of penalties of not
10 more than ten percent thereof in case of failure to pay the charges at
11 times fixed by resolution. The commissioners may provide by resolution
12 that where either connection charges or rates and charges for services
13 supplied are delinquent for any specified period of time, the district
14 shall certify the delinquencies to the auditor of the county in which
15 the real property is located, and the charges and any penalties added
16 thereto and interest thereon at the rate of not more than the prime
17 lending rate of the district's bank plus four percentage points per
18 year shall be a lien against the property upon which the service was
19 received, subject only to the lien for general taxes.

20 (4) The district may, at any time after the connection charges or
21 rates and charges for services supplied or available and penalties are
22 delinquent for a period of sixty days, bring suit in foreclosure by
23 civil action in the superior court of the county in which the real
24 property is located. The court may allow, in addition to the costs and
25 disbursements provided by statute, attorneys' fees, title search and
26 report costs, and expenses as it adjudges reasonable. The action shall
27 be in rem, and may be brought in the name of the district against an
28 individual or against all of those who are delinquent in one action.
29 The laws and rules of the court shall control as in other civil
30 actions.

31 (5) In addition to the right to foreclose provided in this section,
32 the district may also cut off all or part of the service after charges
33 for water or sewer service supplied or available are delinquent for a
34 period of thirty days.

35 (6) A district may determine how to apply partial payments on past
36 due accounts.

37 (7) A district may provide a real property owner or the owner's
38 designee with duplicate bills for service to tenants, or may notify an

1 owner or the owner's designee that a tenant's service account is
2 delinquent. However, if an owner or the owner's designee notifies the
3 district in writing that a property served by the district is a rental
4 property, asks to be notified of a tenant's delinquency, and has
5 provided, in writing, a complete and accurate mailing address, the
6 district shall notify the owner or the owner's designee of a tenant's
7 delinquency at the same time and in the same manner the district
8 notifies the tenant of the tenant's delinquency or by mail. When a
9 district provides a real property owner or the owner's designee with
10 duplicates of tenant utility service bills or notice that a tenant's
11 utility account is delinquent, the district shall notify the tenant
12 that it is providing the duplicate bills or delinquency notice to the
13 owner or the owner's designee. After January 1, 1999, if a district
14 fails to notify the owner of a tenant's delinquency after receiving a
15 written request to do so and after receiving the other information
16 required by this subsection (7), the district shall have no lien
17 against the premises for the tenant's delinquent and unpaid charges.

--- END ---