S-1228.3

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5871**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Angel, Liias, Roach, McCoy, and Chase

AN ACT Relating to appeal procedures for single-family homeowners with failing septic systems required to connect to public sewer systems; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

(1)(a) If a city or town adopts or has adopted an ordinance or resolution requiring connection to a public sewer system upon the failure of an on-site septic system, the city or town must provide an administrative appeals process to consider denials of permit applications of owners of single-family residences. The administrative appeals process applies to requests to repair or replace an existing and failing on-site septic system that would otherwise be approved, but were denied solely because of a law, regulation, or ordinance requiring connection to a public sewer system.

(b) If the city or town has an existing administrative appeals process, the city or town, in meeting the requirements of this section, may follow its existing process. The legislative body of the city or town or an administrative hearings officer must preside over the administrative appeals process.

(c) The administrative appeals process must consider, at a minimum, whether:

(i) It is cost-prohibitive to require the owner of a single-family residence with an existing and failing on-site septic system to connect to the public sewer system, taking into consideration the estimated cost to repair or replace the failing on-site septic system compared to the estimated cost to connect to the public sewer system;

(ii) There are public health or environmental considerations, including whether the repaired or replaced on-site septic system contributes to the pollution of surface or ground water, related to allowing the owner of a single-family residence with an existing and failing on-site septic system to repair or replace the on-site septic system;

(iii) There are public sewer system performance or financing considerations related to allowing the owner of a single-family residence with an existing and failing on-site septic system to repair or replace the on-site septic system; and

(iv) There are financial assistance programs or latecomer agreements offered by the city or town or by the state that may impact the owner of a single-family residence with an existing and failing on‑site septic system to repair or replace the on-site septic system.

(2) If the city or town, following any appeals process of the jurisdiction, determines that an owner of a single‑family residence must connect to the public sewer system, the owner may select and hire contractors to perform the necessary work to connect to the public sewer system at the owner's expense. No appeal is available from this determination unless required by law.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

(1)(a) If a code city adopts or has adopted an ordinance or resolution requiring connection to a public sewer system upon the failure of an on-site septic system, the code city must provide an administrative appeals process to consider denials of permit applications of owners of single-family residences. The administrative appeals process applies to requests to repair or replace an existing and failing on-site septic system that would otherwise be approved, but were denied solely because of a law, regulation, or ordinance requiring connection to a public sewer system.

(b) If the code city has an existing administrative appeals process, the code city, in meeting the requirements of this section, may follow its existing process. The legislative body of the code city or an administrative hearings officer must preside over the administrative appeals process.

(c) The administrative appeals process must consider, at a minimum, whether:

(i) It is cost-prohibitive to require the owner of a single-family residence with an existing and failing on-site septic system to connect to the public sewer system, taking into consideration the estimated cost to repair or replace the failing on-site septic system compared to the estimated cost to connect to the public sewer system;

(ii) There are public health or environmental considerations, including whether the repaired or replaced on-site septic system contributes to the pollution of surface or ground water, related to allowing the owner of a single-family residence with an existing and failing on-site septic system to repair or replace the on-site septic system;

(iii) There are public sewer system performance or financing considerations related to allowing the owner of a single-family residence with an existing and failing on-site septic system to repair or replace the on-site septic system; and

(iv) There are financial assistance programs or latecomer agreements offered by the code city or by the state that may impact the owner of a single-family residence with an existing and failing on‑site septic system to repair or replace the on-site septic system.

(2) If the code city, following any appeals process of the jurisdiction, determines that an owner of a single‑family residence must connect to the public sewer system, the owner may select and hire contractors to perform the necessary work to connect to the public sewer system at the owner's expense. No appeal is available from this determination unless required by law.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

(1)(a) If a county adopts or has adopted an ordinance or resolution requiring connection to a public sewer system upon the failure of an on-site septic system, the county must provide an administrative appeals process to consider denials of permit applications of owners of single-family residences. The administrative appeals process applies to requests to repair or replace an existing and failing on-site septic system that would otherwise be approved, but were denied solely because of a law, regulation, or ordinance requiring connection to a public sewer system.

(b) If the county has an existing administrative appeals process, the county, in meeting the requirements of this section, may follow its existing process. The legislative body of the county or an administrative hearings officer must preside over the administrative appeals process.

(c) The administrative appeals process must consider, at a minimum, whether:

(i) It is cost-prohibitive to require the owner of a single-family residence with an existing and failing on-site septic system to connect to the public sewer system, taking into consideration the estimated cost to repair or replace the failing on-site septic system compared to the estimated cost to connect to the public sewer system;

(ii) There are public health or environmental considerations, including whether the repaired or replaced on-site septic system contributes to the pollution of surface or ground water, related to allowing the owner of a single-family residence with an existing and failing on-site septic system to repair or replace the on-site septic system;

(iii) There are public sewer system performance or financing considerations related to allowing the owner of a single-family residence with an existing and failing on-site septic system to repair or replace the on-site septic system; and

(iv) There are financial assistance programs or latecomer agreements offered by the county or by the state that may impact the owner of a single-family residence with an existing and failing on‑site septic system to repair or replace the on-site septic system.

(2) If the county, following any appeals process of the jurisdiction, determines that an owner of a single‑family residence must connect to the public sewer system, the owner may select and hire contractors to perform the necessary work to connect to the public sewer system at the owner's expense. No appeal is available from this determination unless required by law.

**--- END ---**