
SUBSTITUTE HOUSE BILL 1911

State of Washington 64th Legislature 2015 Regular Session

By House Local Government (originally sponsored by Representatives Fitzgibbon and Tarleton)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to authorizing municipalities to create
2 assessment reimbursement areas for the construction or improvement of
3 water or sewer facilities; and adding a new section to chapter 35.91
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.91
7 RCW to read as follows:

8 (1) As an alternative to the procedures provided in RCW 35.91.020
9 for financing the construction or improvement of water or sewer
10 facilities, a municipality may create an assessment reimbursement
11 area on its own initiative, without the participation of a private
12 property owner, finance all of the costs associated with the
13 construction or improvement, and become the sole beneficiary of
14 reimbursements.

15 (a) A municipality may establish an assessment reimbursement area
16 only in locations where a municipality's ordinances require water or
17 sewer facilities to be constructed or improved as a prerequisite to
18 further property development or redevelopment.

19 (b) The boundaries of an assessment reimbursement area must be
20 formulated by the municipality based upon a determination of which
21 parcels in the proposed area would require construction or

1 improvement of water or sewer facilities upon development or
2 redevelopment, or would be allowed to connect to or use constructed
3 or improved water or sewer facilities.

4 (c) A preliminary determination of the assessment reimbursement
5 area boundaries and assessments, along with a description of property
6 owners' rights and options, must be sent by certified mail to each
7 owner of record of real property within the proposed assessment
8 reimbursement area. Owners of property within the proposed area may
9 request a public hearing by submitting a written request to the
10 municipality within twenty days of the preliminary determination's
11 mailing. If a written request is submitted, the legislative authority
12 of the municipality must hold a public hearing on the assessment
13 reimbursement area. Notice of the hearing must be provided to all
14 affected property owners. Any rulings of the legislative authority of
15 the municipality are determinative and final. A person who has
16 exhausted all available administrative remedies may seek judicial
17 review of a municipality's final determination in accordance with the
18 provisions of chapter 36.70C RCW.

19 (d) The final determination of the assessment reimbursement area
20 boundaries and assessments must be recorded in the county auditor's
21 office of the county in which the area is situated.

22 (2)(a) A municipality may be reimbursed in accordance with this
23 section only for all costs associated with construction or
24 improvements that benefit property that will connect to, and property
25 owners who will use, the water or sewer facilities within the
26 assessment reimbursement area. Reimbursement may be assessed only
27 when:

28 (i) A property is developed or redeveloped in a manner requiring
29 connection to or use of the water or sewer facilities; or

30 (ii) A property owner requests connection to or use of water or
31 sewer facilities.

32 (b) The reimbursement assessment may not exceed a property's pro
33 rata share of all costs associated with construction of the water or
34 sewer facilities required to meet utility service and fire
35 suppression standards. The municipality must determine the
36 reimbursement share of each property owner by using a method of cost
37 apportionment that is based on the benefit to the property owner from
38 the project and is consistent with provisions for determining costs
39 and reimbursement shares under RCW 35.91.020(1) (a) and (b).

1 (c) A municipality may not receive reimbursement of costs for any
2 portion of water or sewer facility construction or improvements that
3 only benefit the general public.

4 (3) For purposes of this section, "general public" means property
5 outside of the assessment reimbursement area.

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