

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5871

64th Legislature
2015 Regular Session

Passed by the Senate March 10, 2015
Yeas 49 Nays 0

President of the Senate

Passed by the House April 15, 2015
Yeas 98 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5871** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5871

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senators Angel, Llias, Roach, McCoy, and Chase

Read first time 02/06/15. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to appeal procedures for single-family homeowners
2 with failing septic systems required to connect to public sewer
3 systems; adding a new section to chapter 35.21 RCW; adding a new
4 section to chapter 35A.21 RCW; and adding a new section to chapter
5 36.01 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21
8 RCW to read as follows:

9 (1) A city with an ordinance or resolution requiring, upon the
10 failure of an on-site septic system, connection to a public sewer
11 system must, in accordance with this section, provide an
12 administrative appeals process to consider denials of permit
13 applications to repair or replace the septic system. The
14 administrative appeals process required by this section applies only
15 to requests to repair or replace existing, failing on-site septic
16 systems that:

17 (a) Were made for a single-family residence by its owner or
18 owners;

19 (b) Were denied solely because of a law, regulation, or ordinance
20 requiring connection to a public sewer system; and

1 (c) Absent the applicable law, regulation, or ordinance requiring
2 connection to a public sewer system upon which the denial was based,
3 would be approved.

4 (2) If the city has an administrative appeals process, the city
5 may, subject to the requirements of this section, use that
6 process. The administrative appeals process required by this section,
7 however, must be presided over by the legislative body of the city or
8 by an administrative hearings officer.

9 (3) The administrative appeals process required by this section
10 must, at a minimum, consider whether:

11 (a) It is cost-prohibitive to require the property owner to
12 connect to the public sewer system. In complying with this subsection
13 (3)(a), the city must consider the estimated cost to repair or
14 replace the on-site septic system compared to the estimated cost to
15 connect to the public sewer system;

16 (b) There are public health or environmental considerations
17 related to allowing the property owner to repair or replace the on-
18 site septic system. In complying with this subsection (3)(b), the
19 city must consider whether the repaired or replaced on-site septic
20 system contributes to the pollution of surface waters or groundwater;

21 (c) There are public sewer system performance or financing
22 considerations related to allowing the property owner to repair or
23 replace the on-site septic system; and

24 (d) There are financial assistance programs or latecomer
25 agreements offered by the city or state that may impact a decision of
26 the property owner to repair or replace the on-site septic system.

27 (4) If the city, following the appeals process required by this
28 section, determines that the property owner must connect the
29 residence to the public sewer system, the property owner may, in
30 complying with the determination and subject to approval of
31 appropriate permits, select and hire contractors at his or her own
32 expense to perform the work necessary to connect the residence to the
33 public sewer system.

34 (5) Unless otherwise required by law, a city determination
35 requiring the owner of a single-family residence with a failing on-
36 site septic system to connect a residence to a public sewer system is
37 not subject to appeal.

38 (6) For purposes of this section, "city" means a city or town.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21
2 RCW to read as follows:

3 (1) A city with an ordinance or resolution requiring, upon the
4 failure of an on-site septic system, connection to a public sewer
5 system must, in accordance with this section, provide an
6 administrative appeals process to consider denials of permit
7 applications to repair or replace the septic system. The
8 administrative appeals process required by this section applies only
9 to requests to repair or replace existing, failing on-site septic
10 systems that:

11 (a) Were made for a single-family residence by its owner or
12 owners;

13 (b) Were denied solely because of a law, regulation, or ordinance
14 requiring connection to a public sewer system; and

15 (c) Absent the applicable law, regulation, or ordinance requiring
16 connection to a public sewer system upon which the denial was based,
17 would be approved.

18 (2) If the city has an administrative appeals process, the city
19 may, subject to the requirements of this section, use that
20 process. The administrative appeals process required by this section,
21 however, must be presided over by the legislative body of the city or
22 by an administrative hearings officer.

23 (3) The administrative appeals process required by this section
24 must, at a minimum, consider whether:

25 (a) It is cost-prohibitive to require the property owner to
26 connect to the public sewer system. In complying with this subsection
27 (3)(a), the city must consider the estimated cost to repair or
28 replace the on-site septic system compared to the estimated cost to
29 connect to the public sewer system;

30 (b) There are public health or environmental considerations
31 related to allowing the property owner to repair or replace the on-
32 site septic system. In complying with this subsection (3)(b), the
33 city must consider whether the repaired or replaced on-site septic
34 system contributes to the pollution of surface waters or groundwater;

35 (c) There are public sewer system performance or financing
36 considerations related to allowing the property owner to repair or
37 replace the on-site septic system; and

38 (d) There are financial assistance programs or latecomer
39 agreements offered by the city or state that may impact a decision of
40 the property owner to repair or replace the on-site septic system.

1 (4) If the city, following the appeals process required by this
2 section, determines that the property owner must connect the
3 residence to the public sewer system, the property owner may, in
4 complying with the determination and subject to approval of
5 appropriate permits, select and hire contractors at his or her own
6 expense to perform the work necessary to connect the residence to the
7 public sewer system.

8 (5) Unless otherwise required by law, a city determination
9 requiring the owner of a single-family residence with a failing on-
10 site septic system to connect a residence to a public sewer system is
11 not subject to appeal.

12 (6) For purposes of this section, "city" means a "code city" as
13 defined in RCW 35A.01.035.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01
15 RCW to read as follows:

16 (1) A county with an ordinance or resolution requiring, upon the
17 failure of an on-site septic system, connection to a public sewer
18 system must, in accordance with this section, provide an
19 administrative appeals process to consider denials of permit
20 applications to repair or replace the septic system. The
21 administrative appeals process required by this section applies only
22 to requests to repair or replace existing, failing on-site septic
23 systems that:

24 (a) Were made for a single-family residence by its owner or
25 owners;

26 (b) Were denied solely because of a law, regulation, or ordinance
27 requiring connection to a public sewer system; and

28 (c) Absent the applicable law, regulation, or ordinance requiring
29 connection to a public sewer system upon which the denial was based,
30 would be approved.

31 (2) If the county has an administrative appeals process, the
32 county may, subject to the requirements of this section, use that
33 process. The administrative appeals process required by this section,
34 however, must be presided over by the legislative body of the county
35 or by an administrative hearings officer.

36 (3) The administrative appeals process required by this section
37 must, at a minimum, consider whether:

38 (a) It is cost-prohibitive to require the property owner to
39 connect to the public sewer system. In complying with this subsection

1 (3)(a), the county must consider the estimated cost to repair or
2 replace the on-site septic system compared to the estimated cost to
3 connect to the public sewer system;

4 (b) There are public health or environmental considerations
5 related to allowing the property owner to repair or replace the on-
6 site septic system. In complying with this subsection (3)(b), the
7 county must consider whether the repaired or replaced on-site septic
8 system contributes to the pollution of surface waters or groundwater;

9 (c) There are public sewer system performance or financing
10 considerations related to allowing the property owner to repair or
11 replace the on-site septic system; and

12 (d) There are financial assistance programs or latecomer
13 agreements offered by the county or state that may impact a decision
14 of the property owner to repair or replace the on-site septic system.

15 (4) If the county, following the appeals process required by this
16 section, determines that the property owner must connect the
17 residence to the public sewer system, the property owner may, in
18 complying with the determination and subject to approval of
19 appropriate permits, select and hire contractors at his or her own
20 expense to perform the work necessary to connect the residence to the
21 public sewer system.

22 (5) Unless otherwise required by law, a county determination
23 requiring the owner of a single-family residence with a failing on-
24 site septic system to connect a residence to a public sewer system is
25 not subject to appeal.

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