
HOUSE BILL 2788

State of Washington

65th Legislature

2018 Regular Session

By Representative Kraft

Read first time 01/16/18. Referred to Committee on Local Government.

1 AN ACT Relating to utility service annexation covenants; adding a
2 new section to chapter 35.21 RCW; and adding a new section to chapter
3 35A.21 RCW.

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

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

7 (1) A city may not require the owner of a property located
8 outside its corporate limits to enter into a utility service
9 annexation covenant as a condition of extending utilities to such
10 property.

11 (2) Nothing in this section should be interpreted as requiring a
12 city to extend utilities to property outside its corporate limits.

13 (3) Nothing in RCW 35.84.010, 35.91.020, 35.21.210, 35.67.310, or
14 other applicable laws granting contracting authority to a city allows
15 a city to require the owner of a property located outside its
16 corporate limits to enter into a utility service annexation covenant
17 as a condition of extending utilities to such property.

18 (4) For purposes of this section, a "utility service annexation
19 covenant" means a contract between a city and a property owner
20 located in another city, town, or unincorporated area wherein the
21 city agrees to provide utility service or services to the property in

1 exchange for a promise that the property owner or owners, whenever
2 requested, sign any letter, notice, petition, or other instrument
3 under applicable laws of the state of Washington initiating,
4 furthering, or accomplishing annexation of the property into the
5 city.

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

8 (1) A city may not require the owner of a property located
9 outside its corporate limits to enter into a utility service
10 annexation covenant as a condition of extending utilities to such
11 property.

12 (2) Nothing in this section should be interpreted as requiring a
13 city to extend utilities to property outside its corporate limits.

14 (3) Nothing in RCW 35.84.010, 35.91.020, 35.21.210, 35.67.310, or
15 other applicable laws granting contracting authority to a city allows
16 a city to require the owner of a property located outside its
17 corporate limits to enter into a utility service annexation covenant
18 as a condition of extending utilities to such property.

19 (4) For purposes of this section, a "utility service annexation
20 covenant" means a contract between a city and a property owner
21 located in another city, town, or unincorporated area wherein the
22 city agrees to provide utility service or services to the property in
23 exchange for a promise that the property owner or owners, whenever
24 requested, sign any letter, notice, petition, or other instrument
25 under applicable laws of the state of Washington initiating,
26 furthering, or accomplishing annexation of the property into the
27 city.

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