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HOUSE BILL 2629

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Walen, Goodman, Springer, Macri, Slatter, Duerr, Kloba, and Graham

Read first time 01/16/20. Referred to Committee on Housing, Community Development & Veterans.

1 AN ACT Relating to waiving utility connection charges for certain  
2 properties; amending RCW 23.86.400, 24.06.600, 36.94.140, and  
3 54.24.080; adding a new section to chapter 35.92 RCW; and adding a  
4 new section to chapter 80.28 RCW.

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

6 **Sec. 1.** RCW 23.86.400 and 1996 c 32 s 1 are each amended to read  
7 as follows:

8 (1) (~~(As used in this section:)~~) The definitions in this  
9 subsection apply throughout this section unless the context clearly  
10 requires otherwise.

11 (a) "Attachment" means the affixation or installation of any  
12 wire, cable or other physical material capable of carrying electronic  
13 impulses or light waves for the carrying of intelligence for  
14 telecommunications or television, including, but not limited to  
15 cable, and any related device, apparatus, or auxiliary equipment upon  
16 any pole owned or controlled in whole or in part by one or more  
17 locally regulated utilities where the installation has been made with  
18 the necessary consent.

19 (b) "Locally regulated utility" means an electric service  
20 cooperative organized under this chapter and not subject to rate or  
21 service regulation by the utilities and transportation commission.

1 (c) "Nondiscriminatory" means that pole owners may not  
2 arbitrarily differentiate among or between similar classes of persons  
3 approved for attachments.

4 (d) "Domestic violence" has the same meaning as defined in RCW  
5 70.123.020.

6 (e) "Homeless person" has the same meaning as defined in RCW  
7 43.185C.010.

8 (2) All rates, terms, and conditions made, demanded or received  
9 by a locally regulated utility for attachments to its poles must be  
10 just, reasonable, nondiscriminatory and sufficient. A locally  
11 regulated utility shall levy attachment space rental rates that are  
12 uniform for the same class of service within the locally regulated  
13 utility service area.

14 (3) Nothing in this section shall be construed or is intended to  
15 confer upon the utilities and transportation commission any authority  
16 to exercise jurisdiction over locally regulated utilities.

17 (4) A locally regulated utility must waive connection charges for  
18 properties used by a nonprofit organization, local agency, or any  
19 other legal entity that provides emergency, transitional, or  
20 permanent supportive housing for homeless persons or victims of  
21 domestic violence who are homeless for personal safety reasons.

22 **Sec. 2.** RCW 24.06.600 and 1996 c 32 s 2 are each amended to read  
23 as follows:

24 (1) ~~((As used in this section:))~~ The definitions in this  
25 subsection apply throughout this section unless the context clearly  
26 requires otherwise.

27 (a) "Attachment" means the affixation or installation of any  
28 wire, cable or other physical material capable of carrying electronic  
29 impulses or light waves for the carrying of intelligence for  
30 telecommunications or television, including, but not limited to  
31 cable, and any related device, apparatus, or auxiliary equipment upon  
32 any pole owned or controlled in whole or in part by one or more  
33 locally regulated utilities where the installation has been made with  
34 the necessary consent.

35 (b) "Locally regulated utility" means ~~((an [a]))~~ a mutual  
36 corporation organized under this chapter for the purpose of providing  
37 utility service and not subject to rate or service regulation by the  
38 utilities and transportation commission.

1 (c) "Nondiscriminatory" means that pole owners may not  
2 arbitrarily differentiate among or between similar classes of persons  
3 approved for attachments.

4 (d) "Domestic violence" has the same meaning as defined in RCW  
5 70.123.020.

6 (e) "Homeless person" has the same meaning as defined in RCW  
7 43.185C.010.

8 (2) All rates, terms, and conditions made, demanded or received  
9 by a locally regulated utility for attachments to its poles must be  
10 just, reasonable, nondiscriminatory and sufficient. A locally  
11 regulated utility shall levy attachment space rental rates that are  
12 uniform for the same class of service within the locally regulated  
13 utility service area.

14 (3) Nothing in this section shall be construed or is intended to  
15 confer upon the utilities and transportation commission any authority  
16 to exercise jurisdiction over locally regulated utilities.

17 (4) A locally regulated utility must waive connection charges for  
18 properties used by a nonprofit organization, local agency, or any  
19 other legal entity that provides emergency, transitional, or  
20 permanent supportive housing for homeless persons or victims of  
21 domestic violence who are homeless for personal safety reasons.

22 NEW SECTION. Sec. 3. A new section is added to chapter 35.92  
23 RCW to read as follows:

24 (1) Municipal utilities formed under this chapter must waive  
25 connection charges for properties used by a nonprofit organization,  
26 local agency, or any other legal entity that provides emergency,  
27 transitional, or permanent supportive housing for homeless persons or  
28 victims of domestic violence who are homeless for personal safety  
29 reasons.

30 (2) The definitions in this subsection apply throughout this  
31 section unless the context clearly requires otherwise.

32 (a) "Domestic violence" has the same meaning as defined in RCW  
33 70.123.020.

34 (b) "Homeless person" has the same meaning as defined in RCW  
35 43.185C.010.

36 **Sec. 4.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to  
37 read as follows:

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

8 (2) The rates for availability of service and facilities, and  
9 connection charges so charged must be uniform for the same class of  
10 customers or service and facility. In classifying customers served,  
11 service furnished or made available by such system of sewerage and/or  
12 water, or the connection charges, the county legislative authority  
13 may consider any or all of the following factors:

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

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

18 (c) The different character of the service and facilities  
19 furnished various customers;

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

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

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

27 (g) The nonprofit public benefit status, as defined in RCW  
28 24.03.490, of the land user; and

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

31 (3) The rate a county may charge under this section for storm or  
32 surface water sewer systems or the portion of the rate allocable to  
33 the storm or surface water sewer system of combined sanitary sewage  
34 and storm or surface water sewer systems shall be reduced by a  
35 minimum of ten percent for any new or remodeled commercial building  
36 that utilizes a permissive rainwater harvesting system. Rainwater  
37 harvesting systems shall be properly sized to utilize the available  
38 roof surface of the building. The jurisdiction shall consider rate  
39 reductions in excess of ten percent dependent upon the amount of  
40 rainwater harvested.

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

3 (5) The service charges and rates shall produce revenues  
4 sufficient to take care of the costs of maintenance and operation,  
5 revenue bond and warrant interest and principal amortization  
6 requirements, and all other charges necessary for the efficient and  
7 proper operation of the system.

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

12 (7) A county must waive connection charges under this section for  
13 properties used by a nonprofit organization, local agency, or any  
14 other legal entity that provides emergency, transitional, or  
15 permanent supportive housing for homeless persons or victims of  
16 domestic violence who are homeless for personal safety reasons.

17 (8) The definitions in this subsection apply throughout this  
18 section unless the context clearly requires otherwise.

19 (a) "Domestic violence" has the same meaning as defined in RCW  
20 70.123.020.

21 (b) "Homeless person" has the same meaning as defined in RCW  
22 43.185C.010.

23 **Sec. 5.** RCW 54.24.080 and 1995 c 140 s 3 are each amended to  
24 read as follows:

25 (1) The commission of each district which shall have revenue  
26 obligations outstanding shall have the power and shall be required to  
27 establish, maintain, and collect rates or charges for electric energy  
28 and water and other services, facilities, and commodities sold,  
29 furnished, or supplied by the district. The rates and charges shall  
30 be fair and, except as authorized by RCW 74.38.070 and by subsections  
31 (2) and (3) of this section, nondiscriminatory, and shall be adequate  
32 to provide revenues sufficient for the payment of the principal of  
33 and interest on such revenue obligations for which the payment has  
34 not otherwise been provided and all payments which the district is  
35 obligated to set aside in any special fund or funds created for such  
36 purpose, and for the proper operation and maintenance of the public  
37 utility and all necessary repairs, replacements, and renewals  
38 thereof.

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

8 (3) In establishing rates or charges for water service,  
9 commissioners may in their discretion consider the achievement of  
10 water conservation goals and the discouragement of wasteful water use  
11 practices.

12 (4) The commission of a district must waive connection charges  
13 for properties used by a nonprofit organization, local agency, or any  
14 other legal entity that provides emergency, transitional, or  
15 permanent supportive housing for homeless persons or victims of  
16 domestic violence who are homeless for personal safety reasons.

17 (5) The definitions in this subsection apply throughout this  
18 section unless the context clearly requires otherwise.

19 (a) "Domestic violence" has the same meaning as defined in RCW  
20 70.123.020.

21 (b) "Homeless person" has the same meaning as defined in RCW  
22 43.185C.010.

23 NEW SECTION. Sec. 6. A new section is added to chapter 80.28  
24 RCW to read as follows:

25 (1) A gas company, electrical company, wastewater company, or  
26 water company must waive connection charges for properties used by a  
27 nonprofit organization, local agency, or other legal entity that  
28 provides emergency, transitional, or permanent supportive housing for  
29 homeless persons or victims of domestic violence who are homeless for  
30 personal safety reasons. Expenses and lost revenues as a result of  
31 this waiver must be included in the company's cost of service and  
32 recovered in rates to other customers.

33 (2) The definitions in this subsection apply throughout this  
34 section unless the context clearly requires otherwise.

35 (a) "Domestic violence" has the same meaning as defined in RCW  
36 70.123.020.

1           (b) "Homeless person" has the same meaning as defined in RCW  
2 43.185C.010.

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