
SENATE BILL 5775

State of Washington

66th Legislature

2019 Regular Session

By Senators Hunt, Rolfes, Hasegawa, Kuderer, and Van De Wege

1 AN ACT Relating to requiring individual metering of households
2 for water and sewer charges based on the actual water use of the
3 household; amending RCW 59.20.040; and adding a new section to
4 chapter 59.18 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 59.18
7 RCW to read as follows:

8 (1) Owners, landlords, and property managers of multiunit
9 buildings, condominium buildings, mobile home parks, manufactured
10 housing communities, and manufactured/mobile home communities, or a
11 third party acting as agent for the owner, landlord, or property
12 manager, that charge individual dwelling units or rental units for
13 water and sewer utilities must provide for the submetering or direct
14 metering of each dwelling unit or rental unit of the property for the
15 purpose of:

16 (a) Measuring the quantity of water consumed by the occupant or
17 occupants of each dwelling unit or rental unit;

18 (b) Charging each dwelling unit or rental unit separately for
19 water and wastewater services; and

20 (c) Allocating the charge based on the actual water use of the
21 dwelling unit or rental unit.

1 (2) Owners, landlords, and property managers submetering pursuant
2 to this section must disclose the submetering to each dwelling unit
3 or rental unit occupant and obtain from the occupant an
4 acknowledgment of the submetering in the rental agreement or a
5 separate written document. The notice of submetering must include the
6 location of submeters, and access requirements for reading, repair,
7 maintenance, inspection, or testing.

8 (3) As applied to submetering under this section, charges to a
9 dwelling unit or rental unit must be based on the actual water use of
10 the occupant or occupants. The landlord, owner, or property manager
11 may not divide the total utility charges of the landlord, owner, or
12 property manager by the number of individual dwelling units or rental
13 units for the purpose of allocating utility costs. Additionally, the
14 total charges sent to all dwelling units or rental units must not
15 exceed the amount of the bill sent by the utility for the entire
16 multiunit building, condominium building, mobile home park,
17 manufactured housing community, or manufactured/mobile home
18 community, minus any late fees or other charges that the landlord,
19 owner, or property manager owes to the utility. Service charges, late
20 payment charges, and insufficient funds check charges may be
21 authorized as established by the utilities and transportation
22 commission.

23 (4) Notices of billing under this section must include the:

24 (a) Name, business address, and telephone number of the landlord,
25 owner, property manager, or third party billing agent, whomever sends
26 the bill to the tenant;

27 (b) Basis for each separate charge, including service charges and
28 late fees, if any, as a line item, and the total amount of the bill;

29 (c) Current and previous meter readings, the current read date,
30 and the amount consumed;

31 (d) Due date, the date upon which the bill becomes overdue, the
32 amount of any late charges or penalties that may apply, and the date
33 upon which such late charges or penalties may be imposed;

34 (e) Any past due dollar amounts;

35 (f) Name, mailing address, and telephone number for billing
36 inquiries and disputes, and the business hours and days of
37 availability; and

38 (g) Process used to resolve disputes related to bills.

1 (5) The utilities and transportation commission must adopt rules
2 to provide safeguards for occupants as applied to submetering under
3 this section.

4 (6) For the purposes of this section:

5 (a) "Direct metering" means the use of individual meters provided
6 by the utility to each dwelling unit or rental unit for the purpose
7 of charging the occupant or occupants of a dwelling unit or rental
8 unit separately for water and wastewater usage.

9 (b) "Multiunit building" means a building containing two or more
10 dwelling units or rental units, comprising a part of the property.

11 (c) "Submetering" means the use of a metering device by a
12 landlord, owner, or property manager who receives water and
13 wastewater service from a public utility, which metering device
14 measures water supplied to a dwelling unit or rental unit for the
15 purpose of the landlord, owner, or property manager's charging the
16 occupant or occupants of a dwelling unit or rental unit separately
17 for water and wastewater usage.

18 **Sec. 2.** RCW 59.20.040 and 1999 c 359 s 3 are each amended to
19 read as follows:

20 This chapter shall regulate and determine legal rights, remedies,
21 and obligations arising from any rental agreement between a landlord
22 and a tenant regarding a mobile home lot and including specified
23 amenities within the mobile home park, mobile home park cooperative,
24 or mobile home park subdivision, where the tenant has no ownership
25 interest in the property or in the association which owns the
26 property, whose uses are referred to as a part of the rent structure
27 paid by the tenant. All such rental agreements shall be unenforceable
28 to the extent of any conflict with any provision of this chapter.
29 Chapter 59.12 RCW shall be applicable only in implementation of the
30 provisions of this chapter and not as an alternative remedy to this
31 chapter which shall be exclusive where applicable: PROVIDED, That the
32 provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply
33 to any rental agreement included under the provisions of this
34 chapter. RCW 59.18.055 and 59.18.370 through 59.18.410 shall be
35 applicable to any action of forcible entry or detainer or unlawful
36 detainer arising from a tenancy under the provisions of this chapter,
37 except when a mobile home, manufactured home, or park model or a
38 tenancy in a mobile home lot is abandoned. Rentals of mobile homes,
39 manufactured homes, or park models themselves are governed by the

1 residential landlord-tenant act, chapter 59.18 RCW. Section 1 of this
2 act applies to the provision of water and sewer utilities for rental
3 agreements under this chapter.

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