

---

**SUBSTITUTE SENATE BILL 5366**

---

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Nguyen, Cleveland, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Randall, Saldaña, Stanford, Valdez, and C. Wilson; by request of Attorney General)

READ FIRST TIME 02/13/23.

1 AN ACT Relating to preventing utility shutoffs for nonpayment  
2 during extreme heat; amending RCW 54.16.285, 57.08.081, 80.28.010,  
3 87.03.015, 59.18.060, and 59.20.070; adding a new section to chapter  
4 23.86 RCW; adding a new section to chapter 24.06 RCW; and adding a  
5 new section to chapter 35.21 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 23.86  
8 RCW to read as follows:

9 (1) As used in this section, any locally regulated utility as  
10 defined in RCW 23.86.400 may not effect, due to lack of payment, an  
11 involuntary termination of electric utility service to any  
12 residential user, including tenants of metered apartment buildings  
13 and residents of mobile homes, on any day for which the national  
14 weather service has issued or has announced that it intends to issue  
15 a heat-related alert, such as an excessive heat warning, a heat  
16 advisory, an excessive heat watch, or a similar alert, for the area  
17 in which the residential user's address is located.

18 (2)(a) A residential user at whose dwelling electric utility  
19 service has been disconnected for lack of payment may request that  
20 the locally regulated utility reconnect service on any day for which  
21 the national weather service has issued or has announced that it

1 intends to issue a heat-related alert, such as an excessive heat  
2 warning, a heat advisory, an excessive heat watch, or a similar  
3 alert, for the area in which the residential user's address is  
4 located. The locally regulated utility shall inform all customers in  
5 the notice of disconnection of the ability to seek reconnection and  
6 provide clear and specific information on how to make that request,  
7 including how to contact the utility.

8 (b) Upon receipt of a request made pursuant to (a) of this  
9 subsection, the locally regulated utility shall promptly make a  
10 reasonable attempt to reconnect service to the dwelling. The locally  
11 regulated utility, in connection with a request made pursuant to (a)  
12 of this subsection, may require the residential user to enter into a  
13 payment plan prior to reconnecting service to the dwelling. If the  
14 locally regulated utility requires the residential user to enter into  
15 a repayment plan, the repayment plan must comply with subsection (3)  
16 of this section.

17 (3) A repayment plan required by a locally regulated utility  
18 pursuant to subsection (2)(b) of this section will be designed both  
19 to pay the past due bill by the following May 15th, or as soon as  
20 possible after May 15th if needed to maintain monthly payments that  
21 are no greater than six percent of the customer's monthly income, and  
22 to pay for continued utility service. The plan may not require  
23 monthly payments in excess of six percent of the customer's monthly  
24 income. A customer may agree to pay a higher percentage during this  
25 period, but will not be in default unless payment during this period  
26 is less than six percent of the customer's monthly income. If  
27 assistance payments are received by the customer subsequent to  
28 implementation of the plan, the customer shall contact the locally  
29 regulated utility to reformulate the plan.

30 (4) On an annual basis, each locally regulated utility with more  
31 than 25,000 retail electric customers in Washington must submit a  
32 report to the department of commerce that includes the total number  
33 of disconnections that occurred on each day for which the national  
34 weather service issued, or announced that it intended to issue, a  
35 heat-related alert. Locally regulated utilities with fewer than  
36 25,000 retail electric customers in Washington must provide similar  
37 information upon request by the department.

38 (a) Subject to availability, each locally regulated utility must  
39 provide any other information related to utility disconnections that  
40 is requested by the department.

1 (b) The information required in this subsection must be submitted  
2 in a form, timeline, and manner as prescribed by the department.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 24.06  
4 RCW to read as follows:

5 (1) As used in this section, any locally regulated utility as  
6 defined in RCW 24.06.600 may not effect, due to lack of payment, an  
7 involuntary termination of electric utility service to any  
8 residential user, including tenants of metered apartment buildings  
9 and residents of mobile homes, on any day for which the national  
10 weather service has issued or has announced that it intends to issue  
11 a heat-related alert, such as an excessive heat warning, a heat  
12 advisory, an excessive heat watch, or a similar alert, for the area  
13 in which the residential user's address is located.

14 (2)(a) A residential user at whose dwelling electric utility  
15 service has been disconnected for lack of payment may request that  
16 the locally regulated utility reconnect service on any day for which  
17 the national weather service has issued or has announced that it  
18 intends to issue a heat-related alert, such as an excessive heat  
19 warning, a heat advisory, an excessive heat watch, or a similar  
20 alert, for the area in which the residential user's address is  
21 located. The locally regulated utility shall inform all customers in  
22 the notice of disconnection of the ability to seek reconnection and  
23 provide clear and specific information on how to make that request,  
24 including how to contact the utility.

25 (b) Upon receipt of a request made pursuant to (a) of this  
26 subsection, the locally regulated utility shall promptly make a  
27 reasonable attempt to reconnect service to the dwelling. The locally  
28 regulated utility, in connection with a request made pursuant to (a)  
29 of this subsection, may require the residential user to enter into a  
30 payment plan prior to reconnecting service to the dwelling. If the  
31 locally regulated utility requires the residential user to enter into  
32 a repayment plan, the repayment plan must comply with subsection (3)  
33 of this section.

34 (3) A repayment plan required by a locally regulated utility  
35 pursuant to subsection (2)(b) of this section will be designed both  
36 to pay the past due bill by the following May 15th, or as soon as  
37 possible after May 15th if needed to maintain monthly payments that  
38 are no greater than six percent of the customer's monthly income, and  
39 to pay for continued utility service. The plan must not require

1 monthly payments in excess of six percent of the customer's monthly  
2 income. A customer may agree to pay a higher percentage during this  
3 period, but will not be in default unless payment during this period  
4 is less than six percent of the customer's monthly income. If  
5 assistance payments are received by the customer subsequent to  
6 implementation of the plan, the customer shall contact the locally  
7 regulated utility to reformulate the plan.

8 (4) On an annual basis, each locally regulated utility with more  
9 than 25,000 retail electric customers in Washington must submit a  
10 report to the department of commerce that includes the total number  
11 of disconnections that occurred on each day for which the national  
12 weather service issued, or announced that it intended to issue, a  
13 heat-related alert. Locally regulated utilities with fewer than  
14 25,000 retail electric customers in Washington must provide similar  
15 information upon request by the department.

16 (a) Subject to availability, each locally regulated utility must  
17 provide any other information related to utility disconnections that  
18 is requested by the department.

19 (b) The information required in this subsection must be submitted  
20 in a form, timeline, and manner as prescribed by the department.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21  
22 RCW to read as follows:

23 (1) A city or town, including a code city, that owns or operates  
24 an electric or water utility may not effect, due to lack of payment,  
25 an involuntary termination of utility service to any residential  
26 user, including tenants of metered apartment buildings and residents  
27 of mobile homes, on any day for which the national weather service  
28 has issued or has announced that it intends to issue a heat-related  
29 alert, such as an excessive heat warning, a heat advisory, an  
30 excessive heat watch, or a similar alert, for the area in which the  
31 residential user's address is located.

32 (2)(a) A residential user at whose dwelling utility service has  
33 been disconnected for lack of payment may request that the utility  
34 reconnect service on any day for which the national weather service  
35 has issued or has announced that it intends to issue a heat-related  
36 alert, such as an excessive heat warning, a heat advisory, an  
37 excessive heat watch, or a similar alert, for the area in which the  
38 residential user's address is located. The utility shall inform all  
39 customers in the notice of disconnection of the ability to seek

1 reconnection and provide clear and specific information on how to  
2 make that request, including how to contact the utility.

3 (b) Upon receipt of a request made pursuant to (a) of this  
4 subsection, the utility shall promptly make a reasonable attempt to  
5 reconnect service to the dwelling. The utility, in connection with a  
6 request made pursuant to (a) of this subsection, may require the  
7 residential user to enter into a payment plan prior to reconnecting  
8 service to the dwelling. If the utility requires the residential user  
9 to enter into a repayment plan, the repayment plan must comply with  
10 subsection (3) of this section.

11 (3) A repayment plan required by a utility pursuant to subsection  
12 (2)(b) of this section will be designed both to pay the past due bill  
13 by the following May 15th, or as soon as possible after May 15th if  
14 needed to maintain monthly payments that are no greater than six  
15 percent of the customer's monthly income, and to pay for continued  
16 utility service. The plan may not require monthly payments in excess  
17 of six percent of the customer's monthly income. A customer may agree  
18 to pay a higher percentage during this period, but will not be in  
19 default unless payment during this period is less than six percent of  
20 the customer's monthly income. If assistance payments are received by  
21 the customer subsequent to implementation of the plan, the customer  
22 shall contact the utility to reformulate the plan.

23 (4) On an annual basis, each city or town, including a code city,  
24 that owns or operates an electric or water utility with more than  
25 25,000 retail electric customers or 2,500 water customers in  
26 Washington must submit a report to the department of commerce that  
27 includes the total number of disconnections that occurred on each day  
28 for which the national weather service issued, or announced that it  
29 intended to issue, a heat-related alert. Utilities with fewer than  
30 25,000 retail electric customers or 2,500 water customers in  
31 Washington must provide similar information upon request by the  
32 department.

33 (a) Subject to availability, each utility must provide any other  
34 information related to utility disconnections that is requested by  
35 the department.

36 (b) The information required in this subsection must be submitted  
37 in a form, timeline, and manner as prescribed by the department.

38 **Sec. 4.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to  
39 read as follows:

1 (1) A district providing utility service for residential space  
2 heating shall not terminate such utility service between November 15  
3 through March 15 if the customer:

4 (a) Notifies the utility of the inability to pay the bill(~~(7~~  
5 ~~including a security deposit)~~). This notice should be provided within  
6 five business days of receiving a payment overdue notice unless there  
7 are extenuating circumstances. If the customer fails to notify the  
8 utility within five business days and service is terminated, the  
9 customer can, by (~~(paying reconnection charges, if any, and)~~)  
10 fulfilling the requirements of this section, receive the protections  
11 of this chapter;

12 (b) Provides self-certification of household income for the prior  
13 (~~(twelve)~~) 12 months to a grantee of the department of (~~(community,~~  
14 ~~trade, and economic development)~~) commerce which administers  
15 federally funded energy assistance programs. The grantee shall  
16 determine that the household income does not exceed the maximum  
17 allowed for eligibility under the state's plan for low-income energy  
18 assistance under 42 U.S.C. 8624 and shall provide a dollar figure  
19 that is (~~(seven)~~) six percent of household income. The grantee may  
20 verify information provided in the self-certification;

21 (c) Has applied for home heating assistance from applicable  
22 government and private sector organizations and certifies that any  
23 assistance received will be applied to the current bill and future  
24 utility bills;

25 (d) Has applied for low-income weatherization assistance to the  
26 utility or other appropriate agency if such assistance is available  
27 for the dwelling;

28 (e) Agrees to a payment plan and agrees to maintain the payment  
29 plan. The plan will be designed both to pay the past due bill by the  
30 following October 15 and to pay for continued utility service. If the  
31 past due bill is not paid by the following October 15, the customer  
32 shall not be eligible for protections under this chapter until the  
33 past due bill is paid. The plan shall not require monthly payments in  
34 excess of (~~(seven)~~) six percent of the customer's monthly income plus  
35 one-twelfth of any arrearage accrued from the date application is  
36 made and thereafter during November 15 through March 15. A customer  
37 may agree to pay a higher percentage during this period, but shall  
38 not be in default unless payment during this period is less than  
39 (~~(seven)~~) six percent of monthly income plus one-twelfth of any  
40 arrearage accrued from the date application is made and thereafter.

1 If assistance payments are received by the customer subsequent to  
2 implementation of the plan, the customer shall contact the utility to  
3 reformulate the plan; and

4 (f) Agrees to pay the moneys owed even if (~~he or she moves,~~  
5 ~~(2-)~~) the customer moves.

6 (2) The utility shall:

7 (a) Include in any notice that an account is delinquent and that  
8 service may be subject to termination, a description of the  
9 customer's duties in this section;

10 (b) Assist the customer in fulfilling the requirements under this  
11 section;

12 (c) Be authorized to transfer an account to a new residence when  
13 a customer who has established a plan under this section moves from  
14 one residence to another within the same utility service area;

15 (d) Be permitted to disconnect service if the customer fails to  
16 honor the payment program except on the days indicated in subsection  
17 (5) of this section. Utilities may continue to disconnect service for  
18 those practices authorized by law other than for nonpayment as  
19 provided for in this section. Customers who qualify for payment plans  
20 under this section who default on their payment plans and are  
21 disconnected can be reconnected and maintain the protections afforded  
22 under this chapter by paying (~~reconnection charges, if any, and by~~  
23 ~~paying~~) all amounts that would have been due and owing under the  
24 terms of the applicable payment plan, absent default, on the date on  
25 which service is reconnected; and

26 (e) Advise the customer in writing at the time it disconnects  
27 service that it will restore service if the customer contacts the  
28 utility and fulfills the other requirements of this section.

29 (3) All districts providing utility service for residential space  
30 heating shall offer residential customers the option of a budget  
31 billing or equal payment plan. The budget billing or equal payment  
32 plan shall be offered low-income customers eligible under the state's  
33 plan for low-income energy assistance prepared in accordance with 42  
34 U.S.C. 8624(C)(1) without limiting availability to certain months of  
35 the year, without regard to the length of time the customer has  
36 occupied the premises, and without regard to whether the customer is  
37 the tenant or owner of the premises occupied.

38 (4) An agreement between the customer and the utility, whether  
39 oral or written, shall not waive the protections afforded under this  
40 chapter.

1       (5) A district providing electric or water utility service to  
2 residential customers may not effect, due to lack of payment, an  
3 involuntary termination of utility service to any residential user,  
4 including tenants of metered apartment buildings and residents of  
5 mobile homes, on any day for which the national weather service has  
6 issued or has announced that it intends to issue a heat-related  
7 alert, such as an excessive heat warning, a heat advisory, an  
8 excessive heat watch, or a similar alert, for the area in which the  
9 residential user's address is located.

10       (6)(a) A residential user at whose dwelling utility service has  
11 been disconnected for lack of payment may request that the district  
12 reconnect service on any day for which the national weather service  
13 has issued or has announced that it intends to issue a heat-related  
14 alert, such as an excessive heat warning, a heat advisory, an  
15 excessive heat watch, or a similar alert, for the area in which the  
16 residential user's address is located. The district shall inform all  
17 customers in the notice of disconnection of the ability to seek  
18 reconnection and provide clear and specific information on how to  
19 make that request, including how to contact the district.

20       (b) Upon receipt of a request made pursuant to (a) of this  
21 subsection, the district shall promptly make a reasonable attempt to  
22 reconnect service to the dwelling. The district, in connection with a  
23 request made pursuant to (a) of this subsection, may require the  
24 residential user to enter into a payment plan prior to reconnecting  
25 service to the dwelling. If the district requires the residential  
26 user to enter into a repayment plan, the repayment plan must comply  
27 with subsection (7) of this section.

28       (7) A repayment plan required by a district pursuant to  
29 subsection (6)(b) of this section will be designed both to pay the  
30 past due bill by the following May 15th, or as soon as possible after  
31 May 15th if needed to maintain monthly payments that are no greater  
32 than six percent of the customer's monthly income, and to pay for  
33 continued utility service. The plan may not require monthly payments  
34 in excess of six percent of the customer's monthly income. A customer  
35 may agree to pay a higher percentage during this period, but will not  
36 be in default unless payment during this period is less than six  
37 percent of the customer's monthly income. If assistance payments are  
38 received by the customer subsequent to implementation of the plan,  
39 the customer shall contact the district to reformulate the plan.



1 (8) On an annual basis, each district with more than 25,000  
2 retail electric customers or 2,500 water customers in Washington must  
3 submit a report to the department of commerce that includes the total  
4 number of disconnections that occurred on each day for which the  
5 national weather service issued, or announced that it intended to  
6 issue, a heat-related alert. Districts with fewer than 25,000 retail  
7 electric customers or 2,500 water customers in Washington must  
8 provide similar information upon request by the department.

9 (a) Subject to availability, each district must provide any other  
10 information related to utility disconnections that is requested by  
11 the department.

12 (b) The information required in this subsection must be submitted  
13 in a form, timeline, and manner as prescribed by the department.

14 **Sec. 5.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to  
15 read as follows:

16 (1) Subject to RCW 57.08.005(~~(+6)~~) (7), the commissioners of any  
17 district shall provide for revenues by fixing rates and charges for  
18 furnishing sewer and drainage service and facilities to those to whom  
19 service is available or for providing water, such rates and charges  
20 to be fixed as deemed necessary by the commissioners, so that uniform  
21 charges will be made for the same class of customer or service and  
22 facility. Rates and charges may be combined for the furnishing of  
23 more than one type of sewer or drainage service and facilities.

24 (2) In classifying customers of such water, sewer, or drainage  
25 system, the board of commissioners may in its discretion consider any  
26 or all of the following factors: The difference in cost to various  
27 customers; the location of the various customers within and without  
28 the district; the difference in cost of maintenance, operation,  
29 repair, and replacement of the various parts of the system; the  
30 different character of the service furnished various customers; the  
31 quantity and quality of the service and facility furnished; the time  
32 of its use; the achievement of water conservation goals and the  
33 discouragement of wasteful practices; capital contributions made to  
34 the system including but not limited to assessments; and any other  
35 matters which present a reasonable difference as a ground for  
36 distinction. Rates shall be established as deemed proper by the  
37 commissioners and as fixed by resolution and shall produce revenues  
38 sufficient to take care of the costs of maintenance and operation,  
39 revenue bond and warrant interest and principal amortization

1 requirements, and all other charges necessary for efficient and  
2 proper operation of the system. Prior to furnishing services, a  
3 district may require a deposit to guarantee payment for services.  
4 However, failure to require a deposit does not affect the validity of  
5 any lien authorized by this section.

6 (3) The commissioners shall enforce collection of connection  
7 charges, and rates and charges for water supplied against property  
8 owners connecting with the system or receiving such water, and for  
9 sewer and drainage services charged against property to which and its  
10 owners to whom the service is available, such charges being deemed  
11 charges against the property served, by addition of penalties of not  
12 more than ten percent thereof in case of failure to pay the charges  
13 at times fixed by resolution. The commissioners may provide by  
14 resolution that where either connection charges or rates and charges  
15 for services supplied are delinquent for any specified period of  
16 time, the district shall certify the delinquencies to the auditor of  
17 the county in which the real property is located, and the charges and  
18 any penalties added thereto and interest thereon at the rate of not  
19 more than the prime lending rate of the district's bank plus four  
20 percentage points per year shall be a lien against the property upon  
21 which the service was received, subject only to the lien for general  
22 taxes.

23 (4) The district may, at any time after the connection charges or  
24 rates and charges for services supplied or available and penalties  
25 are delinquent for a period of (~~sixty~~) 60 days, bring suit in  
26 foreclosure by civil action in the superior court of the county in  
27 which the real property is located. The court may allow, in addition  
28 to the costs and disbursements provided by statute, attorneys' fees,  
29 title search and report costs, and expenses as it adjudges  
30 reasonable. The action shall be in rem, and may be brought in the  
31 name of the district against an individual or against all of those  
32 who are delinquent in one action. The laws and rules of the court  
33 shall control as in other civil actions.

34 (5) In addition to the right to foreclose provided in this  
35 section, the district may also cut off all or part of the service  
36 after charges for water or sewer service supplied or available are  
37 delinquent for a period of (~~thirty~~) 30 days, except on the days  
38 indicated in subsection (8) of this section.

39 (6) A district may determine how to apply partial payments on  
40 past due accounts.

1 (7) A district may provide a real property owner or the owner's  
2 designee with duplicate bills for service to tenants, or may notify  
3 an owner or the owner's designee that a tenant's service account is  
4 delinquent. However, if an owner or the owner's designee notifies the  
5 district in writing that a property served by the district is a  
6 rental property, asks to be notified of a tenant's delinquency, and  
7 has provided, in writing, a complete and accurate mailing address,  
8 the district shall notify the owner or the owner's designee of a  
9 tenant's delinquency at the same time and in the same manner the  
10 district notifies the tenant of the tenant's delinquency or by mail.  
11 When a district provides a real property owner or the owner's  
12 designee with duplicates of tenant utility service bills or notice  
13 that a tenant's utility account is delinquent, the district shall  
14 notify the tenant that it is providing the duplicate bills or  
15 delinquency notice to the owner or the owner's designee. After  
16 January 1, 1999, if a district fails to notify the owner of a  
17 tenant's delinquency after receiving a written request to do so and  
18 after receiving the other information required by this subsection  
19 (7), the district shall have no lien against the premises for the  
20 tenant's delinquent and unpaid charges.

21 (8) A district providing water utility service to residential  
22 customers may not effect, due to lack of payment, an involuntary  
23 termination of utility service to any residential user, including  
24 tenants of metered apartment buildings and residents of mobile homes,  
25 on any day for which the national weather service has issued or has  
26 announced that it intends to issue a heat-related alert, such as an  
27 excessive heat warning, a heat advisory, an excessive heat watch, or  
28 a similar alert, for the area in which the residential user's address  
29 is located.

30 (9) (a) A residential user at whose dwelling utility service has  
31 been disconnected for lack of payment may request that the district  
32 reconnect service on any day for which the national weather service  
33 has issued or has announced that it intends to issue a heat-related  
34 alert, such as an excessive heat warning, a heat advisory, an  
35 excessive heat watch, or a similar alert, for the area in which the  
36 residential user's address is located. The district shall inform all  
37 customers in the notice of disconnection of the ability to seek  
38 reconnection and provide clear and specific information on how to  
39 make that request, including how to contact the district.

1 (b) Upon receipt of a request made pursuant to (a) of this  
2 subsection, the district shall promptly make a reasonable attempt to  
3 reconnect service to the dwelling. The district, in connection with a  
4 request made pursuant to (a) of this subsection, may require the  
5 residential user to enter into a payment plan prior to reconnecting  
6 service to the dwelling. If the district requires the residential  
7 user to enter into a repayment plan, the repayment plan must comply  
8 with subsection (10) of this section.

9 (10) A repayment plan required by a district pursuant to  
10 subsection (9)(b) of this section will be designed both to pay the  
11 past due bill by the following May 15th, or as soon as possible after  
12 May 15th if needed to maintain monthly payments that are no greater  
13 than six percent of the customer's monthly income, and to pay for  
14 continued utility service. The plan may not require monthly payments  
15 in excess of six percent of the customer's monthly income. A customer  
16 may agree to pay a higher percentage during this period, but will not  
17 be in default unless payment during this period is less than six  
18 percent of the customer's monthly income. If assistance payments are  
19 received by the customer subsequent to implementation of the plan,  
20 the customer shall contact the district to reformulate the plan.

21 (11) On an annual basis, each district with more than 2,500 water  
22 customers in Washington must submit a report to the department of  
23 commerce that includes the total number of disconnections that  
24 occurred on each day for which the national weather service issued,  
25 or announced that it intended to issue, a heat-related alert.  
26 Districts with fewer than 2,500 water customers in Washington must  
27 provide similar information upon request by the department.

28 (a) Subject to availability, each district must provide any other  
29 information related to utility disconnections that is requested by  
30 the department.

31 (b) The information required in this subsection must be submitted  
32 in a form, timeline, and manner as prescribed by the department.

33 **Sec. 6.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to  
34 read as follows:

35 (1) All charges made, demanded or received by any gas company,  
36 electrical company, wastewater company, or water company for gas,  
37 electricity or water, or for any service rendered or to be rendered  
38 in connection therewith, shall be just, fair, reasonable and  
39 sufficient. Reasonable charges necessary to cover the cost of

1 administering the collection of voluntary donations for the purposes  
2 of supporting the development and implementation of evergreen  
3 community management plans and ordinances under RCW 80.28.300 must be  
4 deemed as prudent and necessary for the operation of a utility.

5 (2) Every gas company, electrical company, wastewater company,  
6 and water company shall furnish and supply such service,  
7 instrumentalities and facilities as shall be safe, adequate and  
8 efficient, and in all respects just and reasonable.

9 (3) All rules and regulations issued by any gas company,  
10 electrical company, wastewater company, or water company, affecting  
11 or pertaining to the sale or distribution of its product or service,  
12 must be just and reasonable.

13 (4) Utility service for residential space heating shall not be  
14 terminated between November 15 through March 15 if the customer:

15 (a) Notifies the utility of the inability to pay the bill(~~(7~~  
16 ~~including a security deposit)~~). This notice should be provided within  
17 five business days of receiving a payment overdue notice unless there  
18 are extenuating circumstances. If the customer fails to notify the  
19 utility within five business days and service is terminated, the  
20 customer can, by (~~(paying reconnection charges, if any, and)~~)  
21 fulfilling the requirements of this section, receive the protections  
22 of this chapter;

23 (b) Provides self-certification of household income for the prior  
24 twelve months to a grantee of the department of commerce, which  
25 administers federally funded energy assistance programs. The grantee  
26 shall determine that the household income does not exceed the maximum  
27 allowed for eligibility under the state's plan for low-income energy  
28 assistance under 42 U.S.C. 8624 and shall provide a dollar figure  
29 that is (~~(seven)~~) six percent of household income. The grantee may  
30 verify information provided in the self-certification;

31 (c) Has applied for home heating assistance from applicable  
32 government and private sector organizations and certifies that any  
33 assistance received will be applied to the current bill and future  
34 utility bills;

35 (d) Has applied for low-income weatherization assistance to the  
36 utility or other appropriate agency if such assistance is available  
37 for the dwelling;

38 (e) Agrees to a payment plan and agrees to maintain the payment  
39 plan. The plan will be designed both to pay the past due bill by the  
40 following October 15th and to pay for continued utility service. If

1 the past due bill is not paid by the following October 15, the  
2 customer is not eligible for protections under this chapter until the  
3 past due bill is paid. The plan may not require monthly payments in  
4 excess of (~~seven~~) six percent of the customer's monthly income plus  
5 one-twelfth of any arrearage accrued from the date application is  
6 made and thereafter during November 15 through March 15. A customer  
7 may agree to pay a higher percentage during this period, but shall  
8 not be in default unless payment during this period is less than  
9 (~~seven~~) six percent of monthly income plus one-twelfth of any  
10 arrearage accrued from the date application is made and thereafter.  
11 If assistance payments are received by the customer subsequent to  
12 implementation of the plan, the customer shall contact the utility to  
13 reformulate the plan; and

14 (f) Agrees to pay the moneys owed even if (~~he or she moves,~~  
15 ~~(5)~~) the customer moves.

16 (5) The utility shall:

17 (a) Include in any notice that an account is delinquent and that  
18 service may be subject to termination, a description of the  
19 customer's duties in this section;

20 (b) Assist the customer in fulfilling the requirements under this  
21 section;

22 (c) Be authorized to transfer an account to a new residence when  
23 a customer who has established a plan under this section moves from  
24 one residence to another within the same utility service area;

25 (d) Be permitted to disconnect service if the customer fails to  
26 honor the payment program except on the days indicated in subsection  
27 (8) of this section. Utilities may continue to disconnect service for  
28 those practices authorized by law other than for nonpayment as  
29 provided for in this subsection. Customers who qualify for payment  
30 plans under this section who default on their payment plans and are  
31 disconnected can be reconnected and maintain the protections afforded  
32 under this chapter by paying (~~reconnection charges, if any, and by~~  
33 ~~paying~~) all amounts that would have been due and owing under the  
34 terms of the applicable payment plan, absent default, on the date on  
35 which service is reconnected; and

36 (e) Advise the customer in writing at the time it disconnects  
37 service that it will restore service if the customer contacts the  
38 utility and fulfills the other requirements of this section.

39 (6) A payment plan implemented under this section is consistent  
40 with RCW 80.28.080.

1 (7) Every gas company and electrical company shall offer  
2 residential customers the option of a budget billing or equal payment  
3 plan. The budget billing or equal payment plan shall be offered low-  
4 income customers eligible under the state's plan for low-income  
5 energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1)  
6 without limiting availability to certain months of the year, without  
7 regard to the length of time the customer has occupied the premises,  
8 and without regard to whether the customer is the tenant or owner of  
9 the premises occupied.

10 (8) A utility may not effect, due to lack of payment, an  
11 involuntary termination of electric or water utility service to any  
12 residential user, including tenants of metered apartment buildings  
13 and residents of mobile homes, on any day for which the national  
14 weather service has issued or has announced that it intends to issue  
15 a heat-related alert, such as an excessive heat warning, a heat  
16 advisory, an excessive heat watch, or a similar alert, for the area  
17 in which the residential user's address is located.

18 (9)(a) A residential user at whose dwelling electric or water  
19 utility service has been disconnected for lack of payment may request  
20 that the utility reconnect service on any day for which the national  
21 weather service has issued or has announced that it intends to issue  
22 a heat-related alert, such as an excessive heat warning, a heat  
23 advisory, an excessive heat watch, or a similar alert, for the area  
24 in which the residential user's address is located. The utility shall  
25 inform all customers in the notice of disconnection of the ability to  
26 seek reconnection and provide clear and specific information on how  
27 to make that request, including how to contact the utility.

28 (b) Upon receipt of a request made pursuant to (a) of this  
29 subsection, the utility shall promptly make a reasonable attempt to  
30 reconnect service to the dwelling. The utility, in connection with a  
31 request made pursuant to (a) of this subsection, may require the  
32 residential user to enter into a payment plan prior to reconnecting  
33 service to the dwelling. If the utility requires the residential user  
34 to enter into a repayment plan, the repayment plan must comply with  
35 subsection (10) of this section.

36 (10) A repayment plan required by a utility pursuant to  
37 subsection (9)(b) of this section will be designed both to pay the  
38 past due bill by the following May 15th, or as soon as possible after  
39 May 15th if needed to maintain monthly payments that are no greater  
40 than six percent of the customer's monthly income, and to pay for

1 continued utility service. The plan may not require monthly payments  
2 in excess of six percent of the customer's monthly income. A customer  
3 may agree to pay a higher percentage during this period, but will not  
4 be in default unless payment during this period is less than six  
5 percent of the customer's monthly income. If assistance payments are  
6 received by the customer subsequent to implementation of the plan,  
7 the customer shall contact the utility to reformulate the plan.

8 (11) Every gas company, electrical company, wastewater company,  
9 and water company shall construct and maintain such facilities in  
10 connection with the manufacture and distribution of its product, or  
11 provision of its services, as will be efficient and safe to its  
12 employees and the public.

13 ~~((9))~~ (12) An agreement between the customer and the utility,  
14 whether oral or written, does not waive the protections afforded  
15 under this chapter.

16 ~~((10))~~ (13) In establishing rates or charges for water service,  
17 water companies as defined in RCW 80.04.010 may consider the  
18 achievement of water conservation goals and the discouragement of  
19 wasteful water use practices.

20 (14) On an annual basis, each utility must submit a report to the  
21 commission that includes the total number of electric or water  
22 disconnections that occurred on each day for which the national  
23 weather service issued, or announced that it intended to issue, a  
24 heat-related alert.

25 **Sec. 7.** RCW 87.03.015 and 2017 c 63 s 1 are each amended to read  
26 as follows:

27 (1) Any irrigation district, operating and maintaining an  
28 irrigation system, in addition to other powers conferred by law,  
29 shall have authority:

30 ~~((1))~~ (a) To purchase and sell electric power to the  
31 inhabitants of the irrigation district for the purposes of irrigation  
32 and domestic use; to finance, acquire, construct, own, and lease  
33 dams, canals, plants, transmission lines, and other power equipment  
34 and the necessary property and rights therefor and to operate,  
35 improve, repair, and maintain the same, for the generation and  
36 transmission of electrical energy for use in the operation of pumping  
37 plants and irrigation systems of the district and for sale to the  
38 inhabitants of the irrigation district for the purposes of irrigation  
39 and domestic use; and, as a further and separate grant of authority



1 and in furtherance of a state purpose and policy of developing  
2 hydroelectric capability in connection with irrigation facilities, to  
3 construct, finance, acquire, own, lease, operate, improve, repair,  
4 and maintain, alone or jointly with other irrigation districts,  
5 boards of control, municipal or quasi-municipal corporations or  
6 cooperatives authorized to engage in the business of distributing  
7 electricity, electrical companies subject to the jurisdiction of the  
8 utilities and transportation commission, private commercial or  
9 industrial entities that construct or operate electric power  
10 generation or transmission facilities, or private commercial or  
11 industrial entities that acquire electric power for their own use or  
12 resale, hydroelectric facilities including but not limited to dams,  
13 canals, plants, transmission lines, other power equipment, and the  
14 necessary property and rights therefor, located within or outside the  
15 district, for the purpose of utilizing for the generation of  
16 electricity, water power made available by and as a part of the  
17 irrigation water storage, conveyance, and distribution facilities,  
18 waste ways, and drainage water facilities which serve irrigation  
19 districts, and to sell any and all the electric energy generated at  
20 any such hydroelectric facilities or the irrigation district's share  
21 of such energy, to municipal or quasi-municipal corporations or  
22 cooperatives authorized to engage in the business of distributing  
23 electricity, electrical companies subject to the jurisdiction of the  
24 utilities and transportation commission, private commercial or  
25 industrial entities that acquire electric power for their own use or  
26 resale, or other irrigation districts, and on such terms and  
27 conditions as the board of directors shall determine. No contract  
28 entered into under this subsection (1)(a) by the board of directors  
29 of any irrigation district for the sale of electrical energy from  
30 such hydroelectric facility for a period longer than forty years from  
31 the date of commercial operation of such hydroelectric facility shall  
32 be binding on the district until ratified by a majority vote of the  
33 electors of the district at an election therein, called, held, and  
34 canvassed for that purpose in the same manner as that provided by law  
35 for district bond elections.

36 ~~((2))~~ (b) To construct, repair, purchase, maintain, or lease a  
37 system for the sale or lease of water to the owners of irrigated  
38 lands within the district for domestic purposes.

1        ~~((3))~~ (c) To construct, repair, purchase, lease, acquire,  
2 operate and maintain a system of drains, sanitary sewers, and sewage  
3 disposal or treatment plants as herein provided.

4        ~~((4))~~ (d) To assume, as principal or guarantor, any  
5 indebtedness to the United States under the federal reclamation laws,  
6 on account of district lands.

7        ~~((5))~~ (e) To maintain, repair, construct, and reconstruct  
8 ditches, laterals, pipe lines, and other water conduits used or to be  
9 used in carrying water for irrigation of lands located within the  
10 boundaries of a city or town, or for the domestic use of the  
11 residents of a city or town where the owners of land within such city  
12 or town shall use such works to carry water to the boundaries of such  
13 city or town for irrigation, domestic, or other purposes within such  
14 city or town, and to charge to such city or town the pro rata  
15 proportion of the cost of such maintenance, repair, construction, and  
16 reconstruction work in proportion to the benefits received by the  
17 lands served and located within the boundaries of such city or town,  
18 and if such cost is not paid, then and in that event said irrigation  
19 district shall have the right to prevent further water deliveries  
20 through such works to the lands located within the boundaries of such  
21 city or town until such charges have been paid.

22        ~~((6))~~ (f) To acquire, install, and maintain as a part of the  
23 irrigation district's water system the necessary water mains and fire  
24 hydrants to make water available for firefighting purposes; and in  
25 addition any such irrigation district shall have the authority to  
26 repair, operate, and maintain such hydrants and mains.

27        ~~((7))~~ (g) To enter into contracts with other irrigation  
28 districts, boards of control, municipal or quasi-municipal  
29 corporations or cooperatives authorized to engage in the business of  
30 distributing electricity, electrical companies subject to the  
31 jurisdiction of the utilities and transportation commission, private  
32 commercial or industrial entities that construct or operate electric  
33 power generation or transmission facilities, or private commercial or  
34 industrial entities that acquire electric power for their own use or  
35 resale, to jointly finance, acquire, lease, construct, own, operate,  
36 improve, repair, and maintain irrigation water, domestic water,  
37 drainage and sewerage works, and electrical power works to the same  
38 extent as authorized by (a) of this subsection ~~((1) of this~~  
39 ~~section))~~, or portions of such works. If an irrigation district  
40 enters into a contract or agreement under this subsection (1)(g) to

1 create a legal entity or undertaking with an investor-owned utility  
2 or a private commercial or industrial entity, that contract or  
3 agreement must provide that the irrigation district be severally  
4 liable only for its own acts and not jointly or severally liable for  
5 the acts, omissions, or obligations of an investor-owned utility or a  
6 private commercial or industrial entity. No money or property  
7 supplied by any irrigation district for the planning, financing,  
8 acquisition, construction, operation, or maintenance of any common  
9 facility may be credited or otherwise applied to the account of any  
10 investor-owned utility or private commercial or industrial entity  
11 therein, nor may the undivided share of any irrigation district in  
12 any common facility be charged, directly or indirectly, with any debt  
13 or obligation of any investor-owned utility or private commercial or  
14 industrial entity or be subject to any lien as a result thereof. No  
15 action in connection with a common facility may be binding upon any  
16 irrigation district unless authorized or approved by resolution of  
17 its board.

18 ~~((8))~~ (h) To acquire from a water-sewer district wholly within  
19 the irrigation district's boundaries, by a conveyance without cost,  
20 the water-sewer district's water system and to operate the same to  
21 provide water for the domestic use of the irrigation district  
22 residents. As a part of its acceptance of the conveyance the  
23 irrigation district must agree to relieve the water-sewer district of  
24 responsibility for maintenance and repair of the system. Any such  
25 water-sewer district is authorized to make such a conveyance if all  
26 indebtedness of the water-sewer district, except local improvement  
27 district bonds, has been paid and the conveyance has been approved by  
28 a majority of the water-sewer district's voters voting at a general  
29 or special election.

30 ~~((9))~~ (i) To approve and condition placement of hydroelectric  
31 generation facilities by entities other than the district on water  
32 conveyance facilities operated or maintained by the district.

33 (2) An irrigation district providing electric or water utility  
34 service to residential customers may not effect, due to lack of  
35 payment, an involuntary termination of utility service to any  
36 residential users, including tenants of metered apartment buildings  
37 and residents of mobile homes, on any day for which the national  
38 weather service has issued or has announced that it intends to issue  
39 a heat-related alert, such as an excessive heat warning, a heat

1 advisory, an excessive heat watch, or a similar alert, for the area  
2 in which the residential user's address is located.

3 (a) (i) A residential user at whose dwelling electric or water  
4 utility service has been disconnected for lack of payment may request  
5 that the irrigation district reconnect service on any day for which  
6 the national weather service has issued or has announced that it  
7 intends to issue a heat-related alert, such as an excessive heat  
8 warning, a heat advisory, an excessive heat watch, or a similar  
9 alert, for the area in which the residential user's address is  
10 located. The irrigation district shall inform all customers in the  
11 notice of disconnection of the ability to seek reconnection and  
12 provide clear and specific information on how to make that request,  
13 including how to contact the irrigation district.

14 (ii) Upon receipt of a request made pursuant to (a) (i) of this  
15 subsection, the irrigation district shall promptly make a reasonable  
16 attempt to reconnect service to the dwelling. The irrigation  
17 district, in connection with a request made pursuant to (a) (i) of  
18 this subsection, may require the residential user to enter into a  
19 payment plan prior to reconnecting service to the dwelling. If the  
20 irrigation district requires the residential user to enter into a  
21 repayment plan, the repayment plan must comply with (b) of this  
22 subsection.

23 (b) A repayment plan required by an irrigation district pursuant  
24 to (a) (ii) of this subsection will be designed both to pay the past  
25 due bill by the following May 15th, or as soon as possible after May  
26 15th if needed to maintain monthly payments that are no greater than  
27 six percent of the customer's monthly income, and to pay for  
28 continued utility service. The plan may not require monthly payments  
29 in excess of six percent of the customer's monthly income. A customer  
30 may agree to pay a higher percentage during this period, but will not  
31 be in default unless payment during this period is less than six  
32 percent of the customer's monthly income. If assistance payments are  
33 received by the customer subsequent to implementation of the plan,  
34 the customer shall contact the irrigation district to reformulate the  
35 plan.

36 (c) On an annual basis, each irrigation district with more than  
37 25,000 retail electric customers or 2,500 water customers in  
38 Washington must submit a report to the department of commerce that  
39 includes the total number of disconnections that occurred on each day  
40 for which the national weather service issued, or announced that it

1 intended to issue, a heat-related alert. Irrigation districts with  
2 fewer than 25,000 retail electric customers or 2,500 water customers  
3 in Washington must provide similar information upon request by the  
4 department.

5 (i) Subject to availability, each irrigation district must  
6 provide any other information related to utility disconnections that  
7 is requested by the department.

8 (ii) The information required in this subsection (2)(c) must be  
9 submitted in a form, timeline, and manner as prescribed by the  
10 department.

11 (3) This section shall not be construed as in any manner  
12 abridging any other powers of an irrigation district conferred by  
13 law.

14 **Sec. 8.** RCW 59.18.060 and 2013 c 35 s 1 are each amended to read  
15 as follows:

16 The landlord will at all times during the tenancy keep the  
17 premises fit for human habitation, and shall in particular:

18 (1) Maintain the premises to substantially comply with any  
19 applicable code, statute, ordinance, or regulation governing their  
20 maintenance or operation, which the legislative body enacting the  
21 applicable code, statute, ordinance or regulation could enforce as to  
22 the premises rented if such condition endangers or impairs the health  
23 or safety of the tenant;

24 (2) Maintain the structural components including, but not limited  
25 to, the roofs, floors, walls, chimneys, fireplaces, foundations, and  
26 all other structural components, in reasonably good repair so as to  
27 be usable;

28 (3) Keep any shared or common areas reasonably clean, sanitary,  
29 and safe from defects increasing the hazards of fire or accident;

30 (4) Provide a reasonable program for the control of infestation  
31 by insects, rodents, and other pests at the initiation of the tenancy  
32 and, except in the case of a single-family residence, control  
33 infestation during tenancy except where such infestation is caused by  
34 the tenant;

35 (5) Except where the condition is attributable to normal wear and  
36 tear, make repairs and arrangements necessary to put and keep the  
37 premises in as good condition as it by law or rental agreement should  
38 have been, at the commencement of the tenancy;

1 (6) Provide reasonably adequate locks and furnish keys to the  
2 tenant;

3 (7) Maintain and safeguard with reasonable care any master key or  
4 duplicate keys to the dwelling unit;

5 (8) Maintain all electrical, plumbing, heating, and other  
6 facilities and appliances supplied by him or her in reasonably good  
7 working order;

8 (9) Maintain the dwelling unit in reasonably weathertight  
9 condition;

10 (10) Except in the case of a single-family residence, provide and  
11 maintain appropriate receptacles in common areas for the removal of  
12 ashes, rubbish, and garbage, incidental to the occupancy and arrange  
13 for the reasonable and regular removal of such waste;

14 (11) Provide facilities adequate to supply heat and water and hot  
15 water as reasonably required by the tenant;

16 (a) The landlord may not effect an involuntary termination of  
17 electric utility or water service due to lack of payment to any  
18 tenant on any day for which the national weather service has issued  
19 or has announced that it intends to issue a heat-related alert, such  
20 as an excessive heat warning, a heat advisory, an excessive heat  
21 watch, or a similar alert, for the area in which the tenant's address  
22 is located.

23 (b)(i) A tenant at whose dwelling electric or water utility  
24 service has been disconnected for lack of payment may request that  
25 the landlord reconnect service on any day for which the national  
26 weather service has issued or has announced that it intends to issue  
27 a heat-related alert, such as an excessive heat warning, a heat  
28 advisory, an excessive heat watch, or a similar alert, for the area  
29 in which the tenant's address is located. The landlord shall inform  
30 all tenants in the notice of disconnection of the ability to seek  
31 reconnection and provide clear and specific information on how to  
32 make that request, including how to contact the landlord.

33 (ii) Upon receipt of a request made pursuant to (b)(i) of this  
34 subsection, the landlord shall promptly make a reasonable attempt to  
35 reconnect service to the dwelling. The landlord, in connection with a  
36 request made pursuant to (b)(i) of this subsection, may require the  
37 tenant to enter into a payment plan prior to reconnecting service to  
38 the dwelling. If the landlord requires the tenant to enter into a  
39 repayment plan, the repayment plan must comply with (c) of this  
40 subsection.

1       (c) A repayment plan required by a landlord pursuant to (b)(i) of  
2 this subsection will be designed both to pay the past due bill by the  
3 following May 15th, or as soon as possible after May 15th if needed  
4 to maintain monthly payments that are no greater than six percent of  
5 the tenant's monthly income, and to pay for continued utility  
6 service. The plan may not require monthly payments in excess of six  
7 percent of the tenant's monthly income. A tenant may agree to pay a  
8 higher percentage during this period, but will not be in default  
9 unless payment during this period is less than six percent of the  
10 tenant's monthly income. If assistance payments are received by the  
11 tenant subsequent to implementation of the plan, the tenant shall  
12 contact the landlord to reformulate the plan.

13       (12)(a) Provide a written notice to all tenants disclosing fire  
14 safety and protection information. The landlord or his or her  
15 authorized agent must provide a written notice to the tenant that the  
16 dwelling unit is equipped with a smoke detection device as required  
17 in RCW 43.44.110. The notice shall inform the tenant of the tenant's  
18 responsibility to maintain the smoke detection device in proper  
19 operating condition and of penalties for failure to comply with the  
20 provisions of RCW 43.44.110(3). The notice must be signed by the  
21 landlord or the landlord's authorized agent and tenant with copies  
22 provided to both parties. Further, except with respect to a single-  
23 family residence, the written notice must also disclose the  
24 following:

25       (i) Whether the smoke detection device is hard-wired or battery  
26 operated;

27       (ii) Whether the building has a fire sprinkler system;

28       (iii) Whether the building has a fire alarm system;

29       (iv) Whether the building has a smoking policy, and what that  
30 policy is;

31       (v) Whether the building has an emergency notification plan for  
32 the occupants and, if so, provide a copy to the occupants;

33       (vi) Whether the building has an emergency relocation plan for  
34 the occupants and, if so, provide a copy to the occupants; and

35       (vii) Whether the building has an emergency evacuation plan for  
36 the occupants and, if so, provide a copy to the occupants.

37       (b) The information required under this subsection may be  
38 provided to a tenant in a multifamily residential building either as  
39 a written notice or as a checklist that discloses whether the  
40 building has fire safety and protection devices and systems. The

1 checklist shall include a diagram showing the emergency evacuation  
2 routes for the occupants.

3 (c) The written notice or checklist must be provided to new  
4 tenants at the time the lease or rental agreement is signed;

5 (13) Provide tenants with information provided or approved by the  
6 department of health about the health hazards associated with  
7 exposure to indoor mold. Information may be provided in written  
8 format individually to each tenant, or may be posted in a visible,  
9 public location at the dwelling unit property. The information must  
10 detail how tenants can control mold growth in their dwelling units to  
11 minimize the health risks associated with indoor mold. Landlords may  
12 obtain the information from the department's website or, if requested  
13 by the landlord, the department must mail the information to the  
14 landlord in a printed format. When developing or changing the  
15 information, the department of health must include representatives of  
16 landlords in the development process. The information must be  
17 provided by the landlord to new tenants at the time the lease or  
18 rental agreement is signed;

19 (14) The landlord and his or her agents and employees are immune  
20 from civil liability for failure to comply with subsection (13) of  
21 this section except where the landlord and his or her agents and  
22 employees knowingly and intentionally do not comply with subsection  
23 (13) of this section; and

24 (15) Designate to the tenant the name and address of the person  
25 who is the landlord by a statement on the rental agreement or by a  
26 notice conspicuously posted on the premises. The tenant shall be  
27 notified immediately of any changes in writing, which must be either  
28 (a) delivered personally to the tenant or (b) mailed to the tenant  
29 and conspicuously posted on the premises. If the person designated in  
30 this section does not reside in the state where the premises are  
31 located, there shall also be designated a person who resides in the  
32 county who is authorized to act as an agent for the purposes of  
33 service of notices and process, and if no designation is made of a  
34 person to act as agent, then the person to whom rental payments are  
35 to be made shall be considered such agent. Regardless of such  
36 designation, any owner who resides outside the state and who violates  
37 a provision of this chapter is deemed to have submitted himself or  
38 herself to the jurisdiction of the courts of this state and personal  
39 service of any process may be made on the owner outside the state  
40 with the same force and effect as personal service within the state.



1 Any summons or process served out-of-state must contain the same  
2 information and be served in the same manner as personal service of  
3 summons or process served within the state, except the summons or  
4 process must require the party to appear and answer within (~~sixty~~)  
5 60 days after such personal service out of the state. In an action  
6 for a violation of this chapter that is filed under chapter 12.40  
7 RCW, service of the notice of claim outside the state must contain  
8 the same information and be served in the same manner as required  
9 under chapter 12.40 RCW, except the date on which the party is  
10 required to appear must not be less than (~~sixty~~) 60 days from the  
11 date of service of the notice of claim.

12 No duty shall devolve upon the landlord to repair a defective  
13 condition under this section, nor shall any defense or remedy be  
14 available to the tenant under this chapter, where the defective  
15 condition complained of was caused by the conduct of such tenant, his  
16 or her family, invitee, or other person acting under his or her  
17 control, or where a tenant unreasonably fails to allow the landlord  
18 access to the property for purposes of repair. When the duty imposed  
19 by subsection (1) of this section is incompatible with and greater  
20 than the duty imposed by any other provisions of this section, the  
21 landlord's duty shall be determined pursuant to subsection (1) of  
22 this section.

23 **Sec. 9.** RCW 59.20.070 and 2019 c 342 s 4 are each amended to  
24 read as follows:

25 A landlord shall not:

26 (1) Deny any tenant the right to sell such tenant's mobile home,  
27 manufactured home, or park model within a park, or prohibit, in any  
28 manner, any tenant from posting on the tenant's manufactured/mobile  
29 home or park model, or on the rented mobile home lot, a commercially  
30 reasonable "for sale" sign or any similar sign designed to advertise  
31 the sale of the manufactured/mobile home or park model. In addition,  
32 a landlord shall not require the removal of the mobile home,  
33 manufactured home, or park model from the park because of the sale  
34 thereof. Requirements for the transfer of the rental agreement are in  
35 RCW 59.20.073. Nothing in this subsection prohibits a landlord from  
36 enforcing reasonable rules or restrictions regarding the placement of  
37 "for sale" signs on the tenant's manufactured/mobile home or park  
38 model, or on the rented mobile home lot, if (a) the main purpose of  
39 the rules or restrictions is to protect the safety of park tenants or

1 residents and (b) the rules or restrictions comply with RCW  
2 59.20.045. The landlord may restrict the number of "for sale" signs  
3 on the lot to two and may restrict the size of the signs to conform  
4 to those in common use by home sale businesses;

5 (2) Restrict the tenant's freedom of choice in purchasing goods  
6 or services but may reserve the right to approve or disapprove any  
7 exterior structural improvements on a mobile home space: PROVIDED,  
8 That door-to-door solicitation in the mobile home park may be  
9 restricted in the rental agreement. Door-to-door solicitation does  
10 not include public officials, housing and low-income assistance  
11 organizations, or candidates for public office meeting or  
12 distributing information to tenants in accordance with subsection (3)  
13 or (4) of this section;

14 (3) Prohibit the distribution of information or meetings by  
15 tenants of the mobile home park to discuss mobile home living and  
16 affairs, including political caucuses or forums for or speeches of  
17 public officials or candidates for public office, meetings with  
18 housing and low-income assistance organizations, or meetings of  
19 organizations that represent the interest of tenants in the park,  
20 held in a tenant's home or any of the park community or recreation  
21 halls if these halls are open for the use of the tenants, conducted  
22 at reasonable times and in an orderly manner on the premises, nor  
23 penalize any tenant for participation in such activities;

24 (4) Prohibit a public official, housing and low-income assistance  
25 organization, or candidate for public office from meeting with or  
26 distributing information to tenants in their individual mobile homes,  
27 manufactured homes, or park models, nor penalize any tenant for  
28 participating in these meetings or receiving this information;

29 (5) Evict a tenant, terminate a rental agreement, decline to  
30 renew a rental agreement, increase rental or other tenant  
31 obligations, decrease services, or modify park rules in retaliation  
32 for any of the following actions on the part of a tenant taken in  
33 good faith:

34 (a) Filing a complaint with any federal, state, county, or  
35 municipal governmental authority relating to any alleged violation by  
36 the landlord of an applicable statute, regulation, or ordinance;

37 (b) Requesting the landlord to comply with the provision of this  
38 chapter or other applicable statute, regulation, or ordinance of the  
39 state, county, or municipality;

40 (c) Filing suit against the landlord for any reason;

1 (d) Participation or membership in any homeowners association or  
2 group;

3 (6) Charge to any tenant a utility fee in excess of actual  
4 utility costs or intentionally cause termination or interruption of  
5 any tenant's utility services, including water, heat, electricity, or  
6 gas, except when an interruption of a reasonable duration is required  
7 to make necessary repairs;

8 (7)(a) Effect an involuntary termination of electric utility or  
9 water service due to lack of payment to any tenant on any day for  
10 which the national weather service has issued or has announced that  
11 it intends to issue a heat-related alert, such as an excessive heat  
12 warning, a heat advisory, an excessive heat watch, or a similar  
13 alert, for the area in which the tenant's address is located.

14 (b)(i) A tenant at whose dwelling electric or water utility  
15 service has been disconnected for lack of payment may request that  
16 the landlord reconnect service on any day for which the national  
17 weather service has issued or has announced that it intends to issue  
18 a heat-related alert, such as an excessive heat warning, a heat  
19 advisory, an excessive heat watch, or a similar alert, for the area  
20 in which the tenant's address is located. The landlord shall inform  
21 all tenants in the notice of disconnection of the ability to seek  
22 reconnection and provide clear and specific information on how to  
23 make that request, including how to contact the landlord.

24 (ii) Upon receipt of a request made pursuant to (b)(i) of this  
25 subsection, the landlord shall promptly make a reasonable attempt to  
26 reconnect service to the dwelling. The landlord, in connection with a  
27 request made pursuant to (b)(i) of this subsection, may require the  
28 tenant to enter into a payment plan prior to reconnecting service to  
29 the dwelling. If the landlord requires the tenant to enter into a  
30 repayment plan, the repayment plan must comply with (c) of this  
31 subsection.

32 (c) A repayment plan required by a landlord pursuant to (b)(ii)  
33 of this subsection will be designed both to pay the past due bill by  
34 the following May 15th, or as soon as possible after May 15th if  
35 needed to maintain monthly payments that are no greater than six  
36 percent of the tenant's monthly income, and to pay for continued  
37 utility service. The plan may not require monthly payments in excess  
38 of six percent of the tenant's monthly income. A tenant may agree to  
39 pay a higher percentage during this period, but will not be in  
40 default unless payment during this period is less than six percent of

1 the tenant's monthly income. If assistance payments are received by  
2 the tenant subsequent to implementation of the plan, the tenant shall  
3 contact the landlord to reformulate the plan.

4 (8) Remove or exclude a tenant from the premises unless this  
5 chapter is complied with or the exclusion or removal is under an  
6 appropriate court order; or

7 ~~((8))~~ (9) Prevent the entry or require the removal of a mobile  
8 home, manufactured home, or park model for the sole reason that the  
9 mobile home has reached a certain age. Nothing in this subsection  
10 shall limit a landlord's right to exclude or expel a mobile home,  
11 manufactured home, or park model for any other reason, including but  
12 not limited to, failure to comply with fire, safety, and other  
13 provisions of local ordinances and state laws relating to mobile  
14 homes, manufactured homes, and park models, as long as the action  
15 conforms to this chapter or any other relevant statutory provision.

--- END ---