

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6261**

61st Legislature  
2010 Regular Session

Passed by the Senate March 7, 2010  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House March 4, 2010  
YEAS 98 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6261** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 6261

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AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington                      61st Legislature                      2010 Regular Session

By Senators Marr, Schoesler, Berkey, Zarelli, and Hobbs

Read first time 01/11/10. Referred to Committee on Financial  
Institutions, Housing & Insurance.

1            AN ACT Relating to utility services collections against rental  
2 property; and amending RCW 35.21.217 and 35.21.290.

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

4            **Sec. 1.** RCW 35.21.217 and 1998 c 285 s 1 are each amended to read  
5 as follows:

6            (1) Prior to furnishing utility services, a city or town may  
7 require a deposit to guarantee payment for services. However, failure  
8 to require a deposit does not affect the validity of any lien  
9 authorized by RCW 35.21.290 or 35.67.200. A city or town may determine  
10 how to apply partial payments on past due accounts.

11            (2) A city or town may provide a real property owner or the owner's  
12 designee with duplicates of tenant utility service bills, or may notify  
13 an owner or the owner's designee that a tenant's utility account is  
14 delinquent. However, if an owner or the owner's designee notifies the  
15 city or town in writing that a property served by the city or town is  
16 a residential rental property, asks to be notified of a tenant's  
17 delinquency, and has provided, in writing, a complete and accurate  
18 mailing address, the city or town shall notify the owner or the owner's  
19 designee of a residential tenant's delinquency at the same time and in

1 the same manner the city or town notifies the tenant of the tenant's  
2 delinquency or by mail, and the city or town is prohibited from  
3 collecting from the owner or the owner's designee any charges for  
4 electric light or power services more than four months past due. When  
5 a city or town provides a real property owner or the owner's designee  
6 with duplicates of residential tenant utility service bills or notice  
7 that a tenant's utility account is delinquent, the city or town shall  
8 notify the tenant that it is providing the duplicate bills or  
9 delinquency notice to the owner or the owner's designee.

10 (3) After (~~January 1, 1999~~) August 1, 2010, if a city or town  
11 fails to notify the owner of a tenant's delinquency after receiving a  
12 written request to do so and after receiving the other information  
13 required by this subsection, the city or town shall have no lien  
14 against the premises for the residential tenant's delinquent and unpaid  
15 charges and is prohibited from collecting the tenant's delinquent and  
16 unpaid charges for electric light or power services from the owner or  
17 the owner's designee.

18 (4) When a utility account is in a tenant's name, the owner or the  
19 owner's designee shall notify the city or town in writing within  
20 fourteen days of the termination of the rental agreement and vacation  
21 of the premises. If the owner or the owner's designee fails to provide  
22 this notice, a city or town providing electric light or power services  
23 is not limited to collecting only up to four months of a tenant's  
24 delinquent charges from the owner or the owner's designee, provided  
25 that the city or town has complied with the notification requirements  
26 of subsection (3) of this section.

27 (5)(a) If an occupied multiple residential rental unit receives  
28 utility service through a single utility account, if the utility  
29 account's billing address is not the same as the service address of a  
30 residential rental property, or if the city or town has been notified  
31 that a tenant resides at the service address, the city or town shall  
32 make a good faith and reasonable effort to provide written notice to  
33 the service address of pending disconnection of electric power and  
34 light or water service for nonpayment at least seven calendar days  
35 prior to disconnection. The purpose of this notice is to provide any  
36 affected tenant an opportunity to resolve the delinquency with his or  
37 her landlord or to arrange for continued service. If requested, a city  
38 or town shall provide electric power and light or water services to an

1 affected tenant on the same terms and conditions as other residential  
2 utility customers, without requiring that he or she pay delinquent  
3 amounts for services billed directly to the property owner or a  
4 previous tenant except as otherwise allowed by law and only where the  
5 city or town offers the opportunity for the affected tenant to set up  
6 a reasonable payment plan for the delinquent amounts legally due. If  
7 a landlord fails to pay for electric power and light or water services,  
8 any tenant who requests that the services be placed in his or her name  
9 may deduct from the rent due all reasonable charges paid by the tenant  
10 to the city or town for such services. A landlord may not take or  
11 threaten to take reprisals or retaliatory action as defined in RCW  
12 59.18.240 against a tenant who deducts from his or her rent payments  
13 made to a city or town as provided in this subsection.

14 (b) Nothing in this subsection (5) affects the validity of any lien  
15 authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town  
16 that provides electric power and light or water services to a  
17 residential tenant in these circumstances shall retain the right to  
18 collect from the property owner, previous tenant, or both, any  
19 delinquent amounts due for service previously provided to the service  
20 address if the city or town has complied with the notification  
21 requirements of subsection (3) of this section when applicable.

22 **Sec. 2.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to  
23 read as follows:

24 Except as provided in RCW 35.21.217(4), cities and towns owning  
25 their own waterworks, or electric light or power plants shall have a  
26 lien against the premises to which water, electric light, or power  
27 services were furnished for four months charges therefor due or to  
28 become due, but not for any charges more than four months past due(  
29 PROVIDED, That the owner of the premises or the owner of a delinquent  
30 mortgage thereon may give written notice to the superintendent or other  
31 head of such works or plant to cut off service to such premises  
32 accompanied by payment or tender of payment of the then delinquent and  
33 unpaid charges for such service against the premises together with the  
34 cut-off charge, whereupon the city or town shall have no lien against  
35 the premises for charges for such service thereafter furnished, nor

1 ~~shall the owner of the premises or the owner of a delinquent mortgage~~  
2 ~~thereon be held for the payment thereof) )~~.

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