

SENATE BILL REPORT

SB 5507

As Reported by Senate Committee On:
Government Operations & Elections, February 17, 2009

Title: An act relating to protecting sole source aquifers by providing sewer utility service to mobile home parks.

Brief Description: Protecting sole source aquifers by providing sewer utility service to mobile home parks.

Sponsors: Senators Marr and Brown.

Brief History:

Committee Activity: Government Operations & Elections: 2/16/09, 2/17/09 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

Staff: Aaron Gutierrez (786-7448)

Background: Cities, towns, and counties are authorized to construct, maintain, and operate sewer systems. Water-sewer districts have the express authority to compel property owners within an area served by the district's sewers to connect to the sewer system. Cities, towns, and counties lack the express statutory authority to compel property owners to connect to sewers.

In 1998 the Legislature adopted a statute prohibiting cities, towns, and counties from requiring an existing mobile home park to replace existing, functional septic systems, unless the local board of health determines that the septic system is failing.

In 2003 the Legislature adopted a statute prohibiting cities, towns, and counties from requiring existing mobile home parks to pay any charges related to available, but unused, sewer services. Mobile home parks can only be charged prospectively from the date of connection.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The legislative authority of certain cities and counties may require a mobile home park to connect to a sewer system if the legislative authority determines that all four of the following conditions are met:

1. the mobile home park lies above a federally-designated sole-aquifer;
2. a sewer system is available;
3. connection to the sewer system is needed to protect drinking water supplies; and
4. the per unit cost is reasonable compared to the average cost of connecting single-family residences.

This authority only applies to counties east of the crest of the Cascade Mountains with a population greater than 400,000, and any city within that county.

The county or city enacting such a requirement should identify and extend financial assistance programs to the mobile home park. This may include, but is not limited to, local, state, or federal affordable housing programs, water quality protection grant and loan programs, and public health, safety, and welfare programs.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The Spokane sole-source aquifer is threatened by significant phosphate loading. Even with ten-year implementation of new plans, there is no guarantee this can be addressed solely through single-point discharge. The real issue is non-point sources and leeching from septic tanks. Is it fair for mobile home parks to not pay sewer construction costs when their neighbors have to? There is a 20-year timeframe to pay these costs, and they are rate recovered. Sole-source aquifers are designated by the federal government when used for drinking water and no other alternatives exist. These areas need extra protection. Financial assistance is available.

CON: There is already a process in place to deal with non-point source issues in manufactured housing communities. The Department of Health is developing standards for septic systems by 2009 (RCW 70.118b). Let the current process work. This bill will have a dire impact on manufactured housing as affordable housing. This is more about affordable housing than protection of the aquifer, since the aquifer is already protected by law. With a \$400,000 capital facilities charge per park, plus additional charges, this bill will result in an increase in cost of \$50 - \$100 in every mobile home park and rents will increase by 25-33 percent. Many of these parks would simply close.

Persons Testifying: PRO: Senator Marr, prime sponsor; Melode Selby, Washington Department of Ecology; Mike Burgess, Spokane County.

CON: John Woodring, Ken Spencer, Manufactured Housing Communities of Washington; Walt Olson, Olson Law Firm.