
SENATE BILL 5871

State of Washington 64th Legislature 2015 Regular Session

By Senators Angel, Llias, Roach, McCoy, and Chase

Read first time 02/06/15. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to appeal procedures for single-family homeowners
2 with failing septic systems required to connect to public sewer
3 systems; adding a new section to chapter 35.21 RCW; adding a new
4 section to chapter 35A.21 RCW; and adding a new section to chapter
5 36.01 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 35.21
8 RCW to read as follows:

9 (1)(a) If a city or town adopts or has adopted an ordinance or
10 resolution requiring connection to a public sewer system upon the
11 failure of an on-site septic system, the city or town must provide an
12 administrative appeals process to consider denials of permit
13 applications of owners of single-family residences. The
14 administrative appeals process applies to requests to repair or
15 replace an existing and failing on-site septic system that would
16 otherwise be approved, but were denied solely because of a law,
17 regulation, or ordinance requiring connection to a public sewer
18 system.

19 (b) If the city or town has an existing administrative appeals
20 process, the city or town, in meeting the requirements of this
21 section, may follow its existing process. The legislative body of the

1 city or town or an administrative hearings officer must preside over
2 the administrative appeals process.

3 (c) The administrative appeals process must consider, at a
4 minimum, whether:

5 (i) It is cost-prohibitive to require the owner of a single-
6 family residence with an existing and failing on-site septic system
7 to connect to the public sewer system, taking into consideration the
8 estimated cost to repair or replace the failing on-site septic system
9 compared to the estimated cost to connect to the public sewer system;

10 (ii) There are public health or environmental considerations,
11 including whether the repaired or replaced on-site septic system
12 contributes to the pollution of surface or ground water, related to
13 allowing the owner of a single-family residence with an existing and
14 failing on-site septic system to repair or replace the on-site septic
15 system;

16 (iii) There are public sewer system performance or financing
17 considerations related to allowing the owner of a single-family
18 residence with an existing and failing on-site septic system to
19 repair or replace the on-site septic system; and

20 (iv) There are financial assistance programs or latecomer
21 agreements offered by the city or town or by the state that may
22 impact the owner of a single-family residence with an existing and
23 failing on-site septic system to repair or replace the on-site septic
24 system.

25 (2) If the city or town, following any appeals process of the
26 jurisdiction, determines that an owner of a single-family residence
27 must connect to the public sewer system, the owner may select and
28 hire contractors to perform the necessary work to connect to the
29 public sewer system at the owner's expense. No appeal is available
30 from this determination unless required by law.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21
32 RCW to read as follows:

33 (1)(a) If a code city adopts or has adopted an ordinance or
34 resolution requiring connection to a public sewer system upon the
35 failure of an on-site septic system, the code city must provide an
36 administrative appeals process to consider denials of permit
37 applications of owners of single-family residences. The
38 administrative appeals process applies to requests to repair or
39 replace an existing and failing on-site septic system that would

1 otherwise be approved, but were denied solely because of a law,
2 regulation, or ordinance requiring connection to a public sewer
3 system.

4 (b) If the code city has an existing administrative appeals
5 process, the code city, in meeting the requirements of this section,
6 may follow its existing process. The legislative body of the code
7 city or an administrative hearings officer must preside over the
8 administrative appeals process.

9 (c) The administrative appeals process must consider, at a
10 minimum, whether:

11 (i) It is cost-prohibitive to require the owner of a single-
12 family residence with an existing and failing on-site septic system
13 to connect to the public sewer system, taking into consideration the
14 estimated cost to repair or replace the failing on-site septic system
15 compared to the estimated cost to connect to the public sewer system;

16 (ii) There are public health or environmental considerations,
17 including whether the repaired or replaced on-site septic system
18 contributes to the pollution of surface or ground water, related to
19 allowing the owner of a single-family residence with an existing and
20 failing on-site septic system to repair or replace the on-site septic
21 system;

22 (iii) There are public sewer system performance or financing
23 considerations related to allowing the owner of a single-family
24 residence with an existing and failing on-site septic system to
25 repair or replace the on-site septic system; and

26 (iv) There are financial assistance programs or latecomer
27 agreements offered by the code city or by the state that may impact
28 the owner of a single-family residence with an existing and failing
29 on-site septic system to repair or replace the on-site septic system.

30 (2) If the code city, following any appeals process of the
31 jurisdiction, determines that an owner of a single-family residence
32 must connect to the public sewer system, the owner may select and
33 hire contractors to perform the necessary work to connect to the
34 public sewer system at the owner's expense. No appeal is available
35 from this determination unless required by law.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01
37 RCW to read as follows:

38 (1)(a) If a county adopts or has adopted an ordinance or
39 resolution requiring connection to a public sewer system upon the

1 failure of an on-site septic system, the county must provide an
2 administrative appeals process to consider denials of permit
3 applications of owners of single-family residences. The
4 administrative appeals process applies to requests to repair or
5 replace an existing and failing on-site septic system that would
6 otherwise be approved, but were denied solely because of a law,
7 regulation, or ordinance requiring connection to a public sewer
8 system.

9 (b) If the county has an existing administrative appeals process,
10 the county, in meeting the requirements of this section, may follow
11 its existing process. The legislative body of the county or an
12 administrative hearings officer must preside over the administrative
13 appeals process.

14 (c) The administrative appeals process must consider, at a
15 minimum, whether:

16 (i) It is cost-prohibitive to require the owner of a single-
17 family residence with an existing and failing on-site septic system
18 to connect to the public sewer system, taking into consideration the
19 estimated cost to repair or replace the failing on-site septic system
20 compared to the estimated cost to connect to the public sewer system;

21 (ii) There are public health or environmental considerations,
22 including whether the repaired or replaced on-site septic system
23 contributes to the pollution of surface or ground water, related to
24 allowing the owner of a single-family residence with an existing and
25 failing on-site septic system to repair or replace the on-site septic
26 system;

27 (iii) There are public sewer system performance or financing
28 considerations related to allowing the owner of a single-family
29 residence with an existing and failing on-site septic system to
30 repair or replace the on-site septic system; and

31 (iv) There are financial assistance programs or latecomer
32 agreements offered by the county or by the state that may impact the
33 owner of a single-family residence with an existing and failing
34 on-site septic system to repair or replace the on-site septic system.

35 (2) If the county, following any appeals process of the
36 jurisdiction, determines that an owner of a single-family residence
37 must connect to the public sewer system, the owner may select and
38 hire contractors to perform the necessary work to connect to the

1 public sewer system at the owner's expense. No appeal is available
2 from this determination unless required by law.

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