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SENATE BILL 5795

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State of Washington

64th Legislature

2015 Regular Session

By Senators Roach and Liias

Read first time 02/03/15. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to authorizing municipalities to create  
2 assessment reimbursement areas for the construction or improvement of  
3 water or sewer facilities; and adding a new section to chapter 35.91  
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.91  
7 RCW to read as follows:

8 (1) As an alternative to the procedures provided in RCW 35.91.020  
9 for financing the construction or improvement of water or sewer  
10 facilities, a municipality may create an assessment reimbursement  
11 area on its own initiative, without the participation of a private  
12 property owner, finance the costs of the construction or improvement,  
13 and become the sole beneficiary of reimbursements.

14 (a) The boundaries of an assessment reimbursement area must be  
15 formulated by the municipality based upon a determination of which  
16 parcels in the proposed area would require construction or  
17 improvement of water or sewer facilities upon development, or would  
18 require connection to or usage of constructed or improved water or  
19 sewer facilities upon development.

20 (b) A preliminary determination of the assessment reimbursement  
21 area boundaries and assessments, along with a description of property

1 owners' rights and options, must be sent by certified mail to each  
2 owner of record of real property within the proposed assessment  
3 reimbursement area. Owners of property within the proposed area may  
4 request a public hearing by submitting a written request to the  
5 municipality within twenty days of the preliminary determination's  
6 mailing. If a written request is submitted, the legislative authority  
7 of the municipality must hold a public hearing on the assessment  
8 reimbursement area. Notice of the hearing must be provided to all  
9 affected property owners. Any rulings of the legislative authority of  
10 the municipality are determinative and final.

11 (c) The final determination of the assessment reimbursement area  
12 boundaries and assessments must be recorded in the county auditor's  
13 office of the county in which the area is situated.

14 (2) A municipality may be reimbursed in accordance with this  
15 section only for the costs of construction or improvements that  
16 benefit property that will be connected to, and property owners who  
17 will use, the water or sewer facilities within the assessment  
18 reimbursement area. The reimbursement must be a pro rata share of  
19 construction and administration costs of the water or sewer  
20 facilities project. The municipality must determine the reimbursement  
21 share of each property owner by using a method of cost apportionment  
22 that is based on the benefit to the property owner from the project.  
23 A municipality may not receive reimbursement of costs for  
24 construction or improvements that benefit the general public.

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