S-1127.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5775**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Hunt, Rolfes, Hasegawa, Kuderer, and Van De Wege

AN ACT Relating to requiring individual metering of households for water and sewer charges based on the actual water use of the household; amending RCW 59.20.040; and adding a new section to chapter 59.18 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 59.18 RCW to read as follows:

(1) Owners, landlords, and property managers of multiunit buildings, condominium buildings, mobile home parks, manufactured housing communities, and manufactured/mobile home communities, or a third party acting as agent for the owner, landlord, or property manager, that charge individual dwelling units or rental units for water and sewer utilities must provide for the submetering or direct metering of each dwelling unit or rental unit of the property for the purpose of:

(a) Measuring the quantity of water consumed by the occupant or occupants of each dwelling unit or rental unit;

(b) Charging each dwelling unit or rental unit separately for water and wastewater services; and

(c) Allocating the charge based on the actual water use of the dwelling unit or rental unit.

(2) Owners, landlords, and property managers submetering pursuant to this section must disclose the submetering to each dwelling unit or rental unit occupant and obtain from the occupant an acknowledgment of the submetering in the rental agreement or a separate written document. The notice of submetering must include the location of submeters, and access requirements for reading, repair, maintenance, inspection, or testing.

(3) As applied to submetering under this section, charges to a dwelling unit or rental unit must be based on the actual water use of the occupant or occupants. The landlord, owner, or property manager may not divide the total utility charges of the landlord, owner, or property manager by the number of individual dwelling units or rental units for the purpose of allocating utility costs. Additionally, the total charges sent to all dwelling units or rental units must not exceed the amount of the bill sent by the utility for the entire multiunit building, condominium building, mobile home park, manufactured housing community, or manufactured/mobile home community, minus any late fees or other charges that the landlord, owner, or property manager owes to the utility. Service charges, late payment charges, and insufficient funds check charges may be authorized as established by the utilities and transportation commission.

(4) Notices of billing under this section must include the:

(a) Name, business address, and telephone number of the landlord, owner, property manager, or third party billing agent, whomever sends the bill to the tenant;

(b) Basis for each separate charge, including service charges and late fees, if any, as a line item, and the total amount of the bill;

(c) Current and previous meter readings, the current read date, and the amount consumed;

(d) Due date, the date upon which the bill becomes overdue, the amount of any late charges or penalties that may apply, and the date upon which such late charges or penalties may be imposed;

(e) Any past due dollar amounts;

(f) Name, mailing address, and telephone number for billing inquiries and disputes, and the business hours and days of availability; and

(g) Process used to resolve disputes related to bills.

(5) The utilities and transportation commission must adopt rules to provide safeguards for occupants as applied to submetering under this section.

(6) For the purposes of this section:

(a) "Direct metering" means the use of individual meters provided by the utility to each dwelling unit or rental unit for the purpose of charging the occupant or occupants of a dwelling unit or rental unit separately for water and wastewater usage.

(b) "Multiunit building" means a building containing two or more dwelling units or rental units, comprising a part of the property.

(c) "Submetering" means the use of a metering device by a landlord, owner, or property manager who receives water and wastewater service from a public utility, which metering device measures water supplied to a dwelling unit or rental unit for the purpose of the landlord, owner, or property manager's charging the occupant or occupants of a dwelling unit or rental unit separately for water and wastewater usage.

**Sec.**  RCW 59.20.040 and 1999 c 359 s 3 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.055 and 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home, manufactured home, or park model or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes, manufactured homes, or park models themselves are governed by the residential landlord-tenant act, chapter 59.18 RCW. Section 1 of this act applies to the provision of water and sewer utilities for rental agreements under this chapter.

**--- END ---**