

---

ENGROSSED HOUSE BILL 1717

---

State of Washington

58th Legislature

2003 Regular Session

By Representatives Cody and Campbell

Read first time 02/05/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to separate billing of tenants for water and  
2 wastewater services by a landlord; adding a new section to chapter  
3 59.18 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW  
6 to read as follows:

7 (1) A landlord may charge a tenant separately for water or  
8 wastewater services by allocating the charges separately through a  
9 ratio utility billing system that complies with this section.

10 (2) A landlord who allocates charges separately for water or  
11 wastewater services may allocate the costs to each tenant by using one  
12 or more of the following ratio utility billing system methods:

13 (a) Per tenant;

14 (b) Proportionately by liveable square footage;

15 (c) Per type of unit;

16 (d) Per number of water fixtures; or

17 (e) Any other method that fairly allocates the charges.

1 (3) A landlord who charges separately for water or wastewater  
2 services must comply with the following conditions:

3 (a) The total charges to the tenants in a building shall not exceed  
4 the total charges paid by the landlord for water or wastewater services  
5 for the building plus an administrative fee for actual administrative  
6 costs incurred by the landlord;

7 (b) The rental agreement shall contain a disclosure, which must be  
8 initialed by the tenant, that notifies the tenant of the separate  
9 billing for water and wastewater services, provides a specific  
10 description of the ratio utility billing method used for allocating  
11 water and wastewater charges among tenants, states the amount of any  
12 administrative fee charged for the separate billing, and informs the  
13 tenant of the right of access to the information specified in (d) of  
14 this subsection;

15 (c) A landlord must provide each tenant in existing tenancies with  
16 at least ninety days' notice before instituting a ratio utility billing  
17 system. The notice shall contain the information required under (b) of  
18 this subsection;

19 (d) Upon request of a tenant, the landlord shall provide a copy of  
20 the actual utility bill for the building along with each apportioned  
21 utility bill. Upon request of a tenant, the landlord shall also  
22 provide past copies of actual utility bills for any period of the  
23 tenancy for which the tenant received an apportioned utility bill.  
24 Past copies of utility bills must be provided for the preceding two  
25 years or from the time the current landlord acquired the building,  
26 whichever is most recent.

27 (4) If a landlord fails to comply with the requirements of this  
28 section, and the failure was not caused by the tenant, the tenant may  
29 terminate the rental agreement by written notice under RCW 59.18.090.  
30 In addition, a landlord who fails to comply with this section shall be  
31 liable to the tenant in a civil action for actual damages, attorneys'  
32 fees, and a penalty of one hundred dollars. If the court determines  
33 that the landlord deliberately failed to comply with the requirements  
34 of this section, the court shall impose a penalty of two hundred  
35 dollars.

--- END ---