

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1513

Chapter 230, Laws of 2009

61st Legislature
2009 Regular Session

WATER OR SEWER FACILITIES--CONSTRUCTION FINANCING

EFFECTIVE DATE: 07/26/09

Passed by the House March 3, 2009
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2009
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved April 25, 2009, 11:46 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1513** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 27, 2009

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1513

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By Representative Haler

Read first time 01/22/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to municipal participation in financing the
2 construction of water or sewer facilities; and amending RCW 35.91.020.

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

4 **Sec. 1.** RCW 35.91.020 and 2006 c 88 s 2 are each amended to read
5 as follows:

6 (1)(a) Except as provided under subsection (2) of this section, the
7 governing body of any city, town, county, water-sewer district, or
8 drainage district, hereinafter referred to as a "municipality" may
9 contract with owners of real estate for the construction of storm,
10 sanitary, or combination sewers, pumping stations, and disposal plants,
11 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
12 "water or sewer facilities," within their boundaries or (except for
13 counties) within ten miles from their corporate limits connecting with
14 the public water or sewerage system to serve the area in which the real
15 estate of such owners is located, and to provide for a period of not to
16 exceed fifteen years for the reimbursement of such owners and their
17 assigns by any owner of real estate who did not contribute to the
18 original cost of such water or sewer facilities and who subsequently
19 tap onto or use the same of a fair pro rata share of the cost of the

1 construction of said water or sewer facilities, including not only
2 those directly connected thereto, but also users connected to laterals
3 or branches connecting thereto, subject to such reasonable rules and
4 regulations as the governing body of such municipality may provide or
5 contract, and notwithstanding the provisions of any other law.

6 (b) If authorized by ordinance or contract, a municipality may
7 participate in financing the development of water or sewer facilities
8 development projects authorized by, and in accordance with, (a) of this
9 subsection. Unless otherwise provided by ordinance or contract:

10 (i) Municipalities that contribute to the financing of water or
11 sewer facilities projects under this section have the same rights to
12 reimbursement as owners of real estate who make contributions as
13 authorized under this section; and

14 (ii) If the projects are jointly financed by a combination of
15 municipal funding and private funding by real estate owners, the amount
16 of reimbursement received by each participant in the financing must be
17 a pro rata share.

18 (c) A municipality seeking reimbursement from an owner of real
19 estate under this section is limited to the dollar amount authorized
20 under this chapter and may not collect any additional reimbursement,
21 assessment, charge, or fee for the infrastructure or facilities that
22 were constructed under the applicable ordinance, contract, or
23 agreement. This does not prevent the collection of amounts for
24 services or infrastructure that are additional expenditures not subject
25 to such ordinance, contract, or agreement.

26 (2)(a) The contract may provide for an extension of the
27 fifteen-year reimbursement period for a time not to exceed the duration
28 of any moratorium, phasing ordinance, concurrency designation, or other
29 governmental action that prevents making applications for, or the
30 approval of, any new development within the benefit area for a period
31 of six months or more.

32 (b) Upon the extension of the reimbursement period pursuant to (a)
33 of this subsection, the contract must specify the duration of the
34 contract extension and must be filed and recorded with the county
35 auditor. Property owners who are subject to the reimbursement
36 obligations under subsection (1) of this section shall be notified by
37 the contracting municipality of the extension filed under this
38 subsection.

1 (3) Each contract shall include a provision requiring that every
2 two years from the date the contract is executed a property owner
3 entitled to reimbursement under this section provide the contracting
4 municipality with information regarding the current contract name,
5 address, and telephone number of the person, company, or partnership
6 that originally entered into the contract. If the property owner fails
7 to comply with the notification requirements of this subsection within
8 sixty days of the specified time, then the contracting municipality may
9 collect any reimbursement funds owed to the property owner under the
10 contract. Such funds must be deposited in the capital fund of the
11 municipality.

12 (4) To the extent it may require in the performance of such
13 contract, such municipality may install said water or sewer facilities
14 in and along the county streets in the area to be served as hereinabove
15 provided, subject to such reasonable requirements as to the manner of
16 occupancy of such streets as the county may by resolution provide. The
17 provisions of such contract shall not be effective as to any owner of
18 real estate not a party thereto unless such contract has been recorded
19 in the office of the county auditor of the county in which the real
20 estate of such owner is located prior to the time such owner taps into
21 or connects to said water or sewer facilities.

Passed by the House March 3, 2009.

Passed by the Senate April 10, 2009.

Approved by the Governor April 25, 2009.

Filed in Office of Secretary of State April 27, 2009.