

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6261

Chapter 135, Laws of 2010

61st Legislature
2010 Regular Session

UTILITY SERVICES COLLECTIONS--RESIDENTIAL RENTAL PROPERTY

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 7, 2010
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 4, 2010
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 19, 2010, 2:01 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6261** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 19, 2010

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6261

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senators Marr, Schoesler, Berkey, Zarelli, and Hobbs

Read first time 01/11/10. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to utility services collections against rental
2 property; and amending RCW 35.21.217 and 35.21.290.

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

4 **Sec. 1.** RCW 35.21.217 and 1998 c 285 s 1 are each amended to read
5 as follows:

6 (1) Prior to furnishing utility services, a city or town may
7 require a deposit to guarantee payment for services. However, failure
8 to require a deposit does not affect the validity of any lien
9 authorized by RCW 35.21.290 or 35.67.200. A city or town may determine
10 how to apply partial payments on past due accounts.

11 (2) A city or town may provide a real property owner or the owner's
12 designee with duplicates of tenant utility service bills, or may notify
13 an owner or the owner's designee that a tenant's utility account is
14 delinquent. However, if an owner or the owner's designee notifies the
15 city or town in writing that a property served by the city or town is
16 a residential rental property, asks to be notified of a tenant's
17 delinquency, and has provided, in writing, a complete and accurate
18 mailing address, the city or town shall notify the owner or the owner's
19 designee of a residential tenant's delinquency at the same time and in

1 the same manner the city or town notifies the tenant of the tenant's
2 delinquency or by mail, and the city or town is prohibited from
3 collecting from the owner or the owner's designee any charges for
4 electric light or power services more than four months past due. When
5 a city or town provides a real property owner or the owner's designee
6 with duplicates of residential tenant utility service bills or notice
7 that a tenant's utility account is delinquent, the city or town shall
8 notify the tenant that it is providing the duplicate bills or
9 delinquency notice to the owner or the owner's designee.

10 (3) After (~~January 1, 1999~~) August 1, 2010, if a city or town
11 fails to notify the owner of a tenant's delinquency after receiving a
12 written request to do so and after receiving the other information
13 required by this subsection, the city or town shall have no lien
14 against the premises for the residential tenant's delinquent and unpaid
15 charges and is prohibited from collecting the tenant's delinquent and
16 unpaid charges for electric light or power services from the owner or
17 the owner's designee.

18 (4) When a utility account is in a tenant's name, the owner or the
19 owner's designee shall notify the city or town in writing within
20 fourteen days of the termination of the rental agreement and vacation
21 of the premises. If the owner or the owner's designee fails to provide
22 this notice, a city or town providing electric light or power services
23 is not limited to collecting only up to four months of a tenant's
24 delinquent charges from the owner or the owner's designee, provided
25 that the city or town has complied with the notification requirements
26 of subsection (3) of this section.

27 (5)(a) If an occupied multiple residential rental unit receives
28 utility service through a single utility account, if the utility
29 account's billing address is not the same as the service address of a
30 residential rental property, or if the city or town has been notified
31 that a tenant resides at the service address, the city or town shall
32 make a good faith and reasonable effort to provide written notice to
33 the service address of pending disconnection of electric power and
34 light or water service for nonpayment at least seven calendar days
35 prior to disconnection. The purpose of this notice is to provide any
36 affected tenant an opportunity to resolve the delinquency with his or
37 her landlord or to arrange for continued service. If requested, a city
38 or town shall provide electric power and light or water services to an

1 affected tenant on the same terms and conditions as other residential
2 utility customers, without requiring that he or she pay delinquent
3 amounts for services billed directly to the property owner or a
4 previous tenant except as otherwise allowed by law and only where the
5 city or town offers the opportunity for the affected tenant to set up
6 a reasonable payment plan for the delinquent amounts legally due. If
7 a landlord fails to pay for electric power and light or water services,
8 any tenant who requests that the services be placed in his or her name
9 may deduct from the rent due all reasonable charges paid by the tenant
10 to the city or town for such services. A landlord may not take or
11 threaten to take reprisals or retaliatory action as defined in RCW
12 59.18.240 against a tenant who deducts from his or her rent payments
13 made to a city or town as provided in this subsection.

14 (b) Nothing in this subsection (5) affects the validity of any lien
15 authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town
16 that provides electric power and light or water services to a
17 residential tenant in these circumstances shall retain the right to
18 collect from the property owner, previous tenant, or both, any
19 delinquent amounts due for service previously provided to the service
20 address if the city or town has complied with the notification
21 requirements of subsection (3) of this section when applicable.

22 **Sec. 2.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to
23 read as follows:

24 Except as provided in RCW 35.21.217(4), cities and towns owning
25 their own waterworks, or electric light or power plants shall have a
26 lien against the premises to which water, electric light, or power
27 services were furnished for four months charges therefor due or to
28 become due, but not for any charges more than four months past due((+
29 PROVIDED, That the owner of the premises or the owner of a delinquent
30 mortgage thereon may give written notice to the superintendent or other
31 head of such works or plant to cut off service to such premises
32 accompanied by payment or tender of payment of the then delinquent and
33 unpaid charges for such service against the premises together with the
34 cut off charge, whereupon the city or town shall have no lien against
35 the premises for charges for such service thereafter furnished, nor

1 ~~shall the owner of the premises or the owner of a delinquent mortgage~~
2 ~~thereon be held for the payment thereof))~~.

Passed by the Senate March 7, 2010.

Passed by the House March 4, 2010.

Approved by the Governor March 19, 2010.

Filed in Office of Secretary of State March 19, 2010.