

SHB 1329 - H AMD 50
By Representative Mena

ADOPTED 02/27/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 23.86
4 RCW to read as follows:

5 (1) As used in this section, any locally regulated utility as
6 defined in RCW 23.86.400 may not effect, due to lack of payment, an
7 involuntary termination of electric utility service to any
8 residential user, including tenants of metered apartment buildings
9 and residents of mobile homes, on any day for which the national
10 weather service has issued or has announced that it intends to issue
11 a heat-related alert, such as an excessive heat warning, a heat
12 advisory, an excessive heat watch, or a similar alert, for the area
13 in which the residential user's address is located.

14 (2)(a) A residential user at whose dwelling electric utility
15 service has been disconnected for lack of payment may request that
16 the locally regulated utility reconnect service on any day for which
17 the national weather service has issued or has announced that it
18 intends to issue a heat-related alert, such as an excessive heat
19 warning, a heat advisory, an excessive heat watch, or a similar
20 alert, for the area in which the residential user's address is
21 located. The locally regulated utility shall inform all customers in
22 the notice of disconnection of the ability to seek reconnection and
23 provide clear and specific information on how to make that request,
24 including how to contact the utility.

25 (b) Upon receipt of a request made pursuant to (a) of this
26 subsection, the locally regulated utility shall promptly make a
27 reasonable attempt to reconnect service to the dwelling. The locally
28 regulated utility, in connection with a request made pursuant to (a)
29 of this subsection, may require the residential user to enter into a
30 payment plan prior to reconnecting service to the dwelling. If the
31 locally regulated utility requires the residential user to enter into

1 a repayment plan, the repayment plan must comply with subsection (3)
2 of this section.

3 (3) A repayment plan required by a locally regulated utility
4 pursuant to subsection (2)(b) of this section will be designed both
5 to pay the past due bill by the following May 15th, or as soon as
6 possible after May 15th if needed to maintain monthly payments that
7 are no greater than six percent of the customer's monthly income, and
8 to pay for continued utility service. The plan may not require
9 monthly payments in excess of six percent of the customer's monthly
10 income. A customer may agree to pay a higher percentage during this
11 period, but will not be in default unless payment during this period
12 is less than six percent of the customer's monthly income. If
13 assistance payments are received by the customer subsequent to
14 implementation of the plan, the customer shall contact the locally
15 regulated utility to reformulate the plan.

16 (4) On an annual basis, each locally regulated utility with more
17 than 25,000 retail electric customers in Washington must submit a
18 report to the department of commerce that includes the total number
19 of disconnections that occurred on each day for which the national
20 weather service issued, or announced that it intended to issue, a
21 heat-related alert. Locally regulated utilities with fewer than
22 25,000 retail electric customers in Washington must provide similar
23 information upon request by the department.

24 (a) Subject to availability, each locally regulated utility must
25 provide any other information related to utility disconnections that
26 is requested by the department.

27 (b) The information required in this subsection must be submitted
28 in a form, timeline, and manner as prescribed by the department.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 24.06
30 RCW to read as follows:

31 (1) As used in this section, any locally regulated utility as
32 defined in RCW 24.06.600 may not effect, due to lack of payment, an
33 involuntary termination of electric utility service to any
34 residential user, including tenants of metered apartment buildings
35 and residents of mobile homes, on any day for which the national
36 weather service has issued or has announced that it intends to issue
37 a heat-related alert, such as an excessive heat warning, a heat
38 advisory, an excessive heat watch, or a similar alert, for the area
39 in which the residential user's address is located.

1 (2) (a) A residential user at whose dwelling electric utility
2 service has been disconnected for lack of payment may request that
3 the locally regulated utility reconnect service on any day for which
4 the national weather service has issued or has announced that it
5 intends to issue a heat-related alert, such as an excessive heat
6 warning, a heat advisory, an excessive heat watch, or a similar
7 alert, for the area in which the residential user's address is
8 located. The locally regulated utility shall inform all customers in
9 the notice of disconnection of the ability to seek reconnection and
10 provide clear and specific information on how to make that request,
11 including how to contact the utility.

12 (b) Upon receipt of a request made pursuant to (a) of this
13 subsection, the locally regulated utility shall promptly make a
14 reasonable attempt to reconnect service to the dwelling. The locally
15 regulated utility, in connection with a request made pursuant to (a)
16 of this subsection, may require the residential user to enter into a
17 payment plan prior to reconnecting service to the dwelling. If the
18 locally regulated utility requires the residential user to enter into
19 a repayment plan, the repayment plan must comply with subsection (3)
20 of this section.

21 (3) A repayment plan required by a locally regulated utility
22 pursuant to subsection (2) (b) of this section will be designed both
23 to pay the past due bill by the following May 15th, or as soon as
24 possible after May 15th if needed to maintain monthly payments that
25 are no greater than six percent of the customer's monthly income, and
26 to pay for continued utility service. The plan must not require
27 monthly payments in excess of six percent of the customer's monthly
28 income. A customer may agree to pay a higher percentage during this
29 period, but will not be in default unless payment during this period
30 is less than six percent of the customer's monthly income. If
31 assistance payments are received by the customer subsequent to
32 implementation of the plan, the customer shall contact the locally
33 regulated utility to reformulate the plan.

34 (4) On an annual basis, each locally regulated utility with more
35 than 25,000 retail electric customers in Washington must submit a
36 report to the department of commerce that includes the total number
37 of disconnections that occurred on each day for which the national
38 weather service issued, or announced that it intended to issue, a
39 heat-related alert. Locally regulated utilities with fewer than

1 25,000 retail electric customers in Washington must provide similar
2 information upon request by the department.

3 (a) Subject to availability, each locally regulated utility must
4 provide any other information related to utility disconnections that
5 is requested by the department.

6 (b) The information required in this subsection must be submitted
7 in a form, timeline, and manner as prescribed by the department.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21
9 RCW to read as follows:

10 (1) A city or town, including a code city, that owns or operates
11 an electric or water utility may not effect, due to lack of payment,
12 an involuntary termination of utility service to any residential
13 user, including tenants of metered apartment buildings and residents
14 of mobile homes, on any day for which the national weather service
15 has issued or has announced that it intends to issue a heat-related
16 alert, such as an excessive heat warning, a heat advisory, an
17 excessive heat watch, or a similar alert, for the area in which the
18 residential user's address is located.

19 (2)(a) A residential user at whose dwelling utility service has
20 been disconnected for lack of payment may request that the utility
21 reconnect service on any day for which the national weather service
22 has issued or has announced that it intends to issue a heat-related
23 alert, such as an excessive heat warning, a heat advisory, an
24 excessive heat watch, or a similar alert, for the area in which the
25 residential user's address is located. The utility shall inform all
26 customers in the notice of disconnection of the ability to seek
27 reconnection and provide clear and specific information on how to
28 make that request, including how to contact the utility.

29 (b) Upon receipt of a request made pursuant to (a) of this
30 subsection, the utility shall promptly make a reasonable attempt to
31 reconnect service to the dwelling. The utility, in connection with a
32 request made pursuant to (a) of this subsection, may require the
33 residential user to enter into a payment plan prior to reconnecting
34 service to the dwelling. If the utility requires the residential user
35 to enter into a repayment plan, the repayment plan must comply with
36 subsection (3) of this section.

37 (3) A repayment plan required by a utility pursuant to subsection
38 (2)(b) of this section will be designed both to pay the past due bill
39 by the following May 15th, or as soon as possible after May 15th if

1 needed to maintain monthly payments that are no greater than six
2 percent of the customer's monthly income, and to pay for continued
3 utility service. The plan may not require monthly payments in excess
4 of six percent of the customer's monthly income. A customer may agree
5 to pay a higher percentage during this period, but will not be in
6 default unless payment during this period is less than six percent of
7 the customer's monthly income. If assistance payments are received by
8 the customer subsequent to implementation of the plan, the customer
9 shall contact the utility to reformulate the plan.

10 (4) On an annual basis, each city or town, including a code city,
11 that owns or operates an electric or water utility with more than
12 25,000 retail electric customers or 2,500 water customers in
13 Washington must submit a report to the department of commerce that
14 includes the total number of disconnections that occurred on each day
15 for which the national weather service issued, or announced that it
16 intended to issue, a heat-related alert. Utilities with fewer than
17 25,000 retail electric customers or 2,500 water customers in
18 Washington must provide similar information upon request by the
19 department.

20 (a) Subject to availability, each utility must provide any other
21 information related to utility disconnections that is requested by
22 the department.

23 (b) The information required in this subsection must be submitted
24 in a form, timeline, and manner as prescribed by the department.

25 **Sec. 4.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to
26 read as follows:

27 (1) A district providing utility service for residential space
28 heating shall not terminate such utility service between November 15
29 through March 15 if the customer:

30 (a) Notifies the utility of the inability to pay the bill(~~(7~~
31 ~~including a security deposit)~~). This notice should be provided within
32 five business days of receiving a payment overdue notice unless there
33 are extenuating circumstances. If the customer fails to notify the
34 utility within five business days and service is terminated, the
35 customer can, by (~~(paying reconnection charges, if any, and)~~)
36 fulfilling the requirements of this section, receive the protections
37 of this chapter;

38 (b) Provides self-certification of household income for the prior
39 (~~(twelve)~~) 12 months to a grantee of the department of (~~(community,~~

1 ~~trade, and economic development))~~ commerce which administers
2 federally funded energy assistance programs. The grantee shall
3 determine that the household income does not exceed the maximum
4 allowed for eligibility under the state's plan for low-income energy
5 assistance under 42 U.S.C. 8624 and shall provide a dollar figure
6 that is seven percent of household income. The grantee may verify
7 information provided in the self-certification;

8 (c) Has applied for home heating assistance from applicable
9 government and private sector organizations and certifies that any
10 assistance received will be applied to the current bill and future
11 utility bills;

12 (d) Has applied for low-income weatherization assistance to the
13 utility or other appropriate agency if such assistance is available
14 for the dwelling;

15 (e) Agrees to a payment plan and agrees to maintain the payment
16 plan. The plan will be designed both to pay the past due bill by the
17 following October 15 and to pay for continued utility service. If the
18 past due bill is not paid by the following October 15, the customer
19 shall not be eligible for protections under this chapter until the
20 past due bill is paid. The plan shall not require monthly payments in
21 excess of seven percent of the customer's monthly income plus one-
22 twelfth of any arrearage accrued from the date application is made
23 and thereafter during November 15 through March 15. A customer may
24 agree to pay a higher percentage during this period, but shall not be
25 in default unless payment during this period is less than seven
26 percent of monthly income plus one-twelfth of any arrearage accrued
27 from the date application is made and thereafter. If assistance
28 payments are received by the customer subsequent to implementation of
29 the plan, the customer shall contact the utility to reformulate the
30 plan; and

31 (f) Agrees to pay the moneys owed even if (~~he or she moves.~~
32 ~~(2))~~) the customer moves.

33 (2) The utility shall:

34 (a) Include in any notice that an account is delinquent and that
35 service may be subject to termination, a description of the
36 customer's duties in this section;

37 (b) Assist the customer in fulfilling the requirements under this
38 section;

1 (c) Be authorized to transfer an account to a new residence when
2 a customer who has established a plan under this section moves from
3 one residence to another within the same utility service area;

4 (d) Be permitted to disconnect service if the customer fails to
5 honor the payment program except on the days indicated in subsection
6 (5) of this section. Utilities may continue to disconnect service for
7 those practices authorized by law other than for nonpayment as
8 provided for in this section. Customers who qualify for payment plans
9 under this section who default on their payment plans and are
10 disconnected can be reconnected and maintain the protections afforded
11 under this chapter by paying (~~reconnection charges, if any, and by~~
12 ~~paying~~) all amounts that would have been due and owing under the
13 terms of the applicable payment plan, absent default, on the date on
14 which service is reconnected; and

15 (e) Advise the customer in writing at the time it disconnects
16 service that it will restore service if the customer contacts the
17 utility and fulfills the other requirements of this section.

18 (3) All districts providing utility service for residential space
19 heating shall offer residential customers the option of a budget
20 billing or equal payment plan. The budget billing or equal payment
21 plan shall be offered low-income customers eligible under the state's
22 plan for low-income energy assistance prepared in accordance with 42
23 U.S.C. 8624(C)(1) without limiting availability to certain months of
24 the year, without regard to the length of time the customer has
25 occupied the premises, and without regard to whether the customer is
26 the tenant or owner of the premises occupied.

27 (4) An agreement between the customer and the utility, whether
28 oral or written, shall not waive the protections afforded under this
29 chapter.

30 (5) A district providing electric or water utility service to
31 residential customers may not effect, due to lack of payment, an
32 involuntary termination of utility service to any residential user,
33 including tenants of metered apartment buildings and residents of
34 mobile homes, on any day for which the national weather service has
35 issued or has announced that it intends to issue a heat-related
36 alert, such as an excessive heat warning, a heat advisory, an
37 excessive heat watch, or a similar alert, for the area in which the
38 residential user's address is located.

39 (6)(a) A residential user at whose dwelling utility service has
40 been disconnected for lack of payment may request that the district

1 reconnect service on any day for which the national weather service
2 has issued or has announced that it intends to issue a heat-related
3 alert, such as an excessive heat warning, a heat advisory, an
4 excessive heat watch, or a similar alert, for the area in which the
5 residential user's address is located. The district shall inform all
6 customers in the notice of disconnection of the ability to seek
7 reconnection and provide clear and specific information on how to
8 make that request, including how to contact the district.

9 (b) Upon receipt of a request made pursuant to (a) of this
10 subsection, the district shall promptly make a reasonable attempt to
11 reconnect service to the dwelling. The district, in connection with a
12 request made pursuant to (a) of this subsection, may require the
13 residential user to enter into a payment plan prior to reconnecting
14 service to the dwelling. If the district requires the residential
15 user to enter into a repayment plan, the repayment plan must comply
16 with subsection (7) of this section.

17 (7) A repayment plan required by a district pursuant to
18 subsection (6)(b) of this section will be designed both to pay the
19 past due bill by the following May 15th, or as soon as possible after
20 May 15th if needed to maintain monthly payments that are no greater
21 than six percent of the customer's monthly income, and to pay for
22 continued utility service. The plan may not require monthly payments
23 in excess of six percent of the customer's monthly income. A customer
24 may agree to pay a higher percentage during this period, but will not
25 be in default unless payment during this period is less than six
26 percent of the customer's monthly income. If assistance payments are
27 received by the customer subsequent to implementation of the plan,
28 the customer shall contact the district to reformulate the plan.

29 (8) On an annual basis, each district with more than 25,000
30 retail electric customers or 2,500 water customers in Washington must
31 submit a report to the department of commerce that includes the total
32 number of disconnections that occurred on each day for which the
33 national weather service issued, or announced that it intended to
34 issue, a heat-related alert. Districts with fewer than 25,000 retail
35 electric customers or 2,500 water customers in Washington must
36 provide similar information upon request by the department.

37 (a) Subject to availability, each district must provide any other
38 information related to utility disconnections that is requested by
39 the department.

1 (b) The information required in this subsection must be submitted
2 in a form, timeline, and manner as prescribed by the department.

3 **Sec. 5.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to
4 read as follows:

5 (1) Subject to RCW 57.08.005(~~((+6+))~~) (7), the commissioners of any
6 district shall provide for revenues by fixing rates and charges for
7 furnishing sewer and drainage service and facilities to those to whom
8 service is available or for providing water, such rates and charges
9 to be fixed as deemed necessary by the commissioners, so that uniform
10 charges will be made for the same class of customer or service and
11 facility. Rates and charges may be combined for the furnishing of
12 more than one type of sewer or drainage service and facilities.

13 (2) In classifying customers of such water, sewer, or drainage
14 system, the board of commissioners may in its discretion consider any
15 or all of the following factors: The difference in cost to various
16 customers; the location of the various customers within and without
17 the district; the difference in cost of maintenance, operation,
18 repair, and replacement of the various parts of the system; the
19 different character of the service furnished various customers; the
20 quantity and quality of the service and facility furnished; the time
21 of its use; the achievement of water conservation goals and the
22 discouragement of wasteful practices; capital contributions made to
23 the system including but not limited to assessments; and any other
24 matters which present a reasonable difference as a ground for
25 distinction. Rates shall be established as deemed proper by the
26 commissioners and as fixed by resolution and shall produce revenues
27 sufficient to take care of the costs of maintenance and operation,
28 revenue bond and warrant interest and principal amortization
29 requirements, and all other charges necessary for efficient and
30 proper operation of the system. Prior to furnishing services, a
31 district may require a deposit to guarantee payment for services.
32 However, failure to require a deposit does not affect the validity of
33 any lien authorized by this section.

34 (3) The commissioners shall enforce collection of connection
35 charges, and rates and charges for water supplied against property
36 owners connecting with the system or receiving such water, and for
37 sewer and drainage services charged against property to which and its
38 owners to whom the service is available, such charges being deemed
39 charges against the property served, by addition of penalties of not

1 more than ten percent thereof in case of failure to pay the charges
2 at times fixed by resolution. The commissioners may provide by
3 resolution that where either connection charges or rates and charges
4 for services supplied are delinquent for any specified period of
5 time, the district shall certify the delinquencies to the auditor of
6 the county in which the real property is located, and the charges and
7 any penalties added thereto and interest thereon at the rate of not
8 more than the prime lending rate of the district's bank plus four
9 percentage points per year shall be a lien against the property upon
10 which the service was received, subject only to the lien for general
11 taxes.

12 (4) The district may, at any time after the connection charges or
13 rates and charges for services supplied or available and penalties
14 are delinquent for a period of (~~sixty~~) 60 days, bring suit in
15 foreclosure by civil action in the superior court of the county in
16 which the real property is located. The court may allow, in addition
17 to the costs and disbursements provided by statute, attorneys' fees,
18 title search and report costs, and expenses as it adjudges
19 reasonable. The action shall be in rem, and may be brought in the
20 name of the district against an individual or against all of those
21 who are delinquent in one action. The laws and rules of the court
22 shall control as in other civil actions.

23 (5) In addition to the right to foreclose provided in this
24 section, the district may also cut off all or part of the service
25 after charges for water or sewer service supplied or available are
26 delinquent for a period of (~~thirty~~) 30 days, except on the days
27 indicated in subsection (8) of this section.

28 (6) A district may determine how to apply partial payments on
29 past due accounts.

30 (7) A district may provide a real property owner or the owner's
31 designee with duplicate bills for service to tenants, or may notify
32 an owner or the owner's designee that a tenant's service account is
33 delinquent. However, if an owner or the owner's designee notifies the
34 district in writing that a property served by the district is a
35 rental property, asks to be notified of a tenant's delinquency, and
36 has provided, in writing, a complete and accurate mailing address,
37 the district shall notify the owner or the owner's designee of a
38 tenant's delinquency at the same time and in the same manner the
39 district notifies the tenant of the tenant's delinquency or by mail.
40 When a district provides a real property owner or the owner's

1 designee with duplicates of tenant utility service bills or notice
2 that a tenant's utility account is delinquent, the district shall
3 notify the tenant that it is providing the duplicate bills or
4 delinquency notice to the owner or the owner's designee. After
5 January 1, 1999, if a district fails to notify the owner of a
6 tenant's delinquency after receiving a written request to do so and
7 after receiving the other information required by this subsection
8 (7), the district shall have no lien against the premises for the
9 tenant's delinquent and unpaid charges.

10 (8) A district providing water utility service to residential
11 customers may not effect, due to lack of payment, an involuntary
12 termination of utility service to any residential user, including
13 tenants of metered apartment buildings and residents of mobile homes,
14 on any day for which the national weather service has issued or has
15 announced that it intends to issue a heat-related alert, such as an
16 excessive heat warning, a heat advisory, an excessive heat watch, or
17 a similar alert, for the area in which the residential user's address
18 is located.

19 (9) (a) A residential user at whose dwelling utility service has
20 been disconnected for lack of payment may request that the district
21 reconnect service on any day for which the national weather service
22 has issued or has announced that it intends to issue a heat-related
23 alert, such as an excessive heat warning, a heat advisory, an
24 excessive heat watch, or a similar alert, for the area in which the
25 residential user's address is located. The district shall inform all
26 customers in the notice of disconnection of the ability to seek
27 reconnection and provide clear and specific information on how to
28 make that request, including how to contact the district.

29 (b) Upon receipt of a request made pursuant to (a) of this
30 subsection, the district shall promptly make a reasonable attempt to
31 reconnect service to the dwelling. The district, in connection with a
32 request made pursuant to (a) of this subsection, may require the
33 residential user to enter into a payment plan prior to reconnecting
34 service to the dwelling. If the district requires the residential
35 user to enter into a repayment plan, the repayment plan must comply
36 with subsection (10) of this section.

37 (10) A repayment plan required by a district pursuant to
38 subsection (9) (b) of this section will be designed both to pay the
39 past due bill by the following May 15th, or as soon as possible after
40 May 15th if needed to maintain monthly payments that are no greater

1 than six percent of the customer's monthly income, and to pay for
2 continued utility service. The plan may not require monthly payments
3 in excess of six percent of the customer's monthly income. A customer
4 may agree to pay a higher percentage during this period, but will not
5 be in default unless payment during this period is less than six
6 percent of the customer's monthly income. If assistance payments are
7 received by the customer subsequent to implementation of the plan,
8 the customer shall contact the district to reformulate the plan.

9 (11) On an annual basis, each district with more than 2,500 water
10 customers in Washington must submit a report to the department of
11 commerce that includes the total number of disconnections that
12 occurred on each day for which the national weather service issued,
13 or announced that it intended to issue, a heat-related alert.
14 Districts with fewer than 2,500 water customers in Washington must
15 provide similar information upon request by the department.

16 (a) Subject to availability, each district must provide any other
17 information related to utility disconnections that is requested by
18 the department.

19 (b) The information required in this subsection must be submitted
20 in a form, timeline, and manner as prescribed by the department.

21 **Sec. 6.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to
22 read as follows:

23 (1) All charges made, demanded or received by any gas company,
24 electrical company, wastewater company, or water company for gas,
25 electricity or water, or for any service rendered or to be rendered
26 in connection therewith, shall be just, fair, reasonable and
27 sufficient. Reasonable charges necessary to cover the cost of
28 administering the collection of voluntary donations for the purposes
29 of supporting the development and implementation of evergreen
30 community management plans and ordinances under RCW 80.28.300 must be
31 deemed as prudent and necessary for the operation of a utility.

32 (2) Every gas company, electrical company, wastewater company,
33 and water company shall furnish and supply such service,
34 instrumentalities and facilities as shall be safe, adequate and
35 efficient, and in all respects just and reasonable.

36 (3) All rules and regulations issued by any gas company,
37 electrical company, wastewater company, or water company, affecting
38 or pertaining to the sale or distribution of its product or service,
39 must be just and reasonable.

1 (4) Utility service for residential space heating shall not be
2 terminated between November 15 through March 15 if the customer:

3 (a) Notifies the utility of the inability to pay the bill(~~(7~~
4 ~~including a security deposit)~~). This notice should be provided within
5 five business days of receiving a payment overdue notice unless there
6 are extenuating circumstances. If the customer fails to notify the
7 utility within five business days and service is terminated, the
8 customer can, by (~~(paying reconnection charges, if any, and)~~)
9 fulfilling the requirements of this section, receive the protections
10 of this chapter;

11 (b) Provides self-certification of household income for the prior
12 twelve months to a grantee of the department of commerce, which
13 administers federally funded energy assistance programs. The grantee
14 shall determine that the household income does not exceed the maximum
15 allowed for eligibility under the state's plan for low-income energy
16 assistance under 42 U.S.C. 8624 and shall provide a dollar figure
17 that is seven percent of household income. The grantee may verify
18 information provided in the self-certification;

19 (c) Has applied for home heating assistance from applicable
20 government and private sector organizations and certifies that any
21 assistance received will be applied to the current bill and future
22 utility bills;

23 (d) Has applied for low-income weatherization assistance to the
24 utility or other appropriate agency if such assistance is available
25 for the dwelling;

26 (e) Agrees to a payment plan and agrees to maintain the payment
27 plan. The plan will be designed both to pay the past due bill by the
28 following October 15th and to pay for continued utility service. If
29 the past due bill is not paid by the following October 15, the
30 customer is not eligible for protections under this chapter until the
31 past due bill is paid. The plan may not require monthly payments in
32 excess of seven percent of the customer's monthly income plus one-
33 twelfth of any arrearage accrued from the date application is made
34 and thereafter during November 15 through March 15. A customer may
35 agree to pay a higher percentage during this period, but shall not be
36 in default unless payment during this period is less than seven
37 percent of monthly income plus one-twelfth of any arrearage accrued
38 from the date application is made and thereafter. If assistance
39 payments are received by the customer subsequent to implementation of

1 the plan, the customer shall contact the utility to reformulate the
2 plan; and

3 (f) Agrees to pay the moneys owed even if (~~he or she moves,~~
4 ~~(5)~~) the customer moves.

5 (5) The utility shall:

6 (a) Include in any notice that an account is delinquent and that
7 service may be subject to termination, a description of the
8 customer's duties in this section;

9 (b) Assist the customer in fulfilling the requirements under this
10 section;

11 (c) Be authorized to transfer an account to a new residence when
12 a customer who has established a plan under this section moves from
13 one residence to another within the same utility service area;

14 (d) Be permitted to disconnect service if the customer fails to
15 honor the payment program except on the days indicated in subsection
16 (8) of this section. Utilities may continue to disconnect service for
17 those practices authorized by law other than for nonpayment as
18 provided for in this subsection. Customers who qualify for payment
19 plans under this section who default on their payment plans and are
20 disconnected can be reconnected and maintain the protections afforded
21 under this chapter by paying (~~reconnection charges, if any, and by~~
22 ~~paying~~) all amounts that would have been due and owing under the
23 terms of the applicable payment plan, absent default, on the date on
24 which service is reconnected; and

25 (e) Advise the customer in writing at the time it disconnects
26 service that it will restore service if the customer contacts the
27 utility and fulfills the other requirements of this section.

28 (6) A payment plan implemented under this section is consistent
29 with RCW 80.28.080.

30 (7) Every gas company and electrical company shall offer
31 residential customers the option of a budget billing or equal payment
32 plan. The budget billing or equal payment plan shall be offered low-
33 income customers eligible under the state's plan for low-income
34 energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1)
35 without limiting availability to certain months of the year, without
36 regard to the length of time the customer has occupied the premises,
37 and without regard to whether the customer is the tenant or owner of
38 the premises occupied.

39 (8)(a) Every electrical company and water company must have and
40 must abide by the terms of a tariff approved by the commission that

1 prohibits the electrical company or water company from effecting, due
2 to lack of payment, an involuntary termination of electric or water
3 utility service to any residential user, including tenants of metered
4 apartment buildings and residents of mobile homes, on any day for
5 which the national weather service has issued or has announced that
6 it intends to issue a heat-related alert, such as an excessive heat
7 warning, a heat advisory, an excessive heat watch, or a similar
8 alert, for the area in which the residential user's address is
9 located.

10 (b) Nothing in this subsection (8) limits the authority of the
11 commission to prohibit an electrical company or water company from
12 terminating electric or water utility service in accordance with an
13 approved tariff, rule, or order, in circumstances independent of the
14 weather.

15 (9)(a) A residential user at whose dwelling electric or water
16 utility service has been disconnected for lack of payment may request
17 that the utility reconnect service on any day for which the national
18 weather service has issued or has announced that it intends to issue
19 a heat-related alert, such as an excessive heat warning, a heat
20 advisory, an excessive heat watch, or a similar alert, for the area
21 in which the residential user's address is located. The utility
22 shall, through a process approved by the commission, inform all
23 customers in the notice of disconnection of the ability to seek
24 reconnection and provide clear and specific information on how to
25 make that request, including how to contact the utility.

26 (b) Upon receipt of a request made pursuant to (a) of this
27 subsection, the utility shall promptly make a reasonable attempt to
28 reconnect service to the dwelling. The utility, in connection with a
29 request made pursuant to (a) of this subsection, may require the
30 residential user to enter into a payment plan prior to reconnecting
31 service to the dwelling. If the utility requires the residential user
32 to enter into a repayment plan, the repayment plan must comply with
33 subsection (10) of this section.

34 (10) A repayment plan required by a utility pursuant to
35 subsection (9)(b) of this section will be designed both to pay the
36 past due bill by the following May 15th, or as soon as possible after
37 May 15th if needed to maintain monthly payments that are no greater
38 than six percent of the customer's monthly income, and to pay for
39 continued utility service. The plan may not require monthly payments
40 in excess of six percent of the customer's monthly income. A customer

1 may agree to pay a higher percentage during this period, but will not
2 be in default unless payment during this period is less than six
3 percent of the customer's monthly income. If assistance payments are
4 received by the customer subsequent to implementation of the plan,
5 the customer shall contact the utility to reformulate the plan.

6 (11) Every gas company, electrical company, wastewater company,
7 and water company shall construct and maintain such facilities in
8 connection with the manufacture and distribution of its product, or
9 provision of its services, as will be efficient and safe to its
10 employees and the public.

11 ~~((9))~~ (12) An agreement between the customer and the utility,
12 whether oral or written, does not waive the protections afforded
13 under this chapter.

14 ~~((10))~~ (13) In establishing rates or charges for water service,
15 water companies as defined in RCW 80.04.010 may consider the
16 achievement of water conservation goals and the discouragement of
17 wasteful water use practices.

18 (14) On an annual basis, each utility must submit a report to the
19 commission that includes the total number of electric or water
20 disconnections that occurred on each day for which the national
21 weather service issued, or announced that it intended to issue, a
22 heat-related alert.

23 **Sec. 7.** RCW 87.03.015 and 2017 c 63 s 1 are each amended to read
24 as follows:

25 (1) Any irrigation district, operating and maintaining an
26 irrigation system, in addition to other powers conferred by law,
27 shall have authority:

28 ~~((1))~~ (a) To purchase and sell electric power to the
29 inhabitants of the irrigation district for the purposes of irrigation
30 and domestic use; to finance, acquire, construct, own, and lease
31 dams, canals, plants, transmission lines, and other power equipment
32 and the necessary property and rights therefor and to operate,
33 improve, repair, and maintain the same, for the generation and
34 transmission of electrical energy for use in the operation of pumping
35 plants and irrigation systems of the district and for sale to the
36 inhabitants of the irrigation district for the purposes of irrigation
37 and domestic use; and, as a further and separate grant of authority
38 and in furtherance of a state purpose and policy of developing
39 hydroelectric capability in connection with irrigation facilities, to

1 construct, finance, acquire, own, lease, operate, improve, repair,
2 and maintain, alone or jointly with other irrigation districts,
3 boards of control, municipal or quasi-municipal corporations or
4 cooperatives authorized to engage in the business of distributing
5 electricity, electrical companies subject to the jurisdiction of the
6 utilities and transportation commission, private commercial or
7 industrial entities that construct or operate electric power
8 generation or transmission facilities, or private commercial or
9 industrial entities that acquire electric power for their own use or
10 resale, hydroelectric facilities including but not limited to dams,
11 canals, plants, transmission lines, other power equipment, and the
12 necessary property and rights therefor, located within or outside the
13 district, for the purpose of utilizing for the generation of
14 electricity, water power made available by and as a part of the
15 irrigation water storage, conveyance, and distribution facilities,
16 waste ways, and drainage water facilities which serve irrigation
17 districts, and to sell any and all the electric energy generated at
18 any such hydroelectric facilities or the irrigation district's share
19 of such energy, to municipal or quasi-municipal corporations or
20 cooperatives authorized to engage in the business of distributing
21 electricity, electrical companies subject to the jurisdiction of the
22 utilities and transportation commission, private commercial or
23 industrial entities that acquire electric power for their own use or
24 resale, or other irrigation districts, and on such terms and
25 conditions as the board of directors shall determine. No contract
26 entered into under this subsection (1)(a) by the board of directors
27 of any irrigation district for the sale of electrical energy from
28 such hydroelectric facility for a period longer than forty years from
29 the date of commercial operation of such hydroelectric facility shall
30 be binding on the district until ratified by a majority vote of the
31 electors of the district at an election therein, called, held, and
32 canvassed for that purpose in the same manner as that provided by law
33 for district bond elections.

34 ~~((2))~~ (b) To construct, repair, purchase, maintain, or lease a
35 system for the sale or lease of water to the owners of irrigated
36 lands within the district for domestic purposes.

37 ~~((3))~~ (c) To construct, repair, purchase, lease, acquire,
38 operate and maintain a system of drains, sanitary sewers, and sewage
39 disposal or treatment plants as herein provided.

1 ~~((4))~~ (d) To assume, as principal or guarantor, any
2 indebtedness to the United States under the federal reclamation laws,
3 on account of district lands.

4 ~~((5))~~ (e) To maintain, repair, construct, and reconstruct
5 ditches, laterals, pipe lines, and other water conduits used or to be
6 used in carrying water for irrigation of lands located within the
7 boundaries of a city or town, or for the domestic use of the
8 residents of a city or town where the owners of land within such city
9 or town shall use such works to carry water to the boundaries of such
10 city or town for irrigation, domestic, or other purposes within such
11 city or town, and to charge to such city or town the pro rata
12 proportion of the cost of such maintenance, repair, construction, and
13 reconstruction work in proportion to the benefits received by the
14 lands served and located within the boundaries of such city or town,
15 and if such cost is not paid, then and in that event said irrigation
16 district shall have the right to prevent further water deliveries
17 through such works to the lands located within the boundaries of such
18 city or town until such charges have been paid.

19 ~~((6))~~ (f) To acquire, install, and maintain as a part of the
20 irrigation district's water system the necessary water mains and fire
21 hydrants to make water available for firefighting purposes; and in
22 addition any such irrigation district shall have the authority to
23 repair, operate, and maintain such hydrants and mains.

24 ~~((7))~~ (g) To enter into contracts with other irrigation
25 districts, boards of control, municipal or quasi-municipal
26 corporations or cooperatives authorized to engage in the business of
27 distributing electricity, electrical companies subject to the
28 jurisdiction of the utilities and transportation commission, private
29 commercial or industrial entities that construct or operate electric
30 power generation or transmission facilities, or private commercial or
31 industrial entities that acquire electric power for their own use or
32 resale, to jointly finance, acquire, lease, construct, own, operate,
33 improve, repair, and maintain irrigation water, domestic water,
34 drainage and sewerage works, and electrical power works to the same
35 extent as authorized by (a) of this subsection (~~((1) of this~~
36 ~~section))~~, or portions of such works. If an irrigation district
37 enters into a contract or agreement under this subsection (1)(g) to
38 create a legal entity or undertaking with an investor-owned utility
39 or a private commercial or industrial entity, that contract or
40 agreement must provide that the irrigation district be severally

1 liable only for its own acts and not jointly or severally liable for
2 the acts, omissions, or obligations of an investor-owned utility or a
3 private commercial or industrial entity. No money or property
4 supplied by any irrigation district for the planning, financing,
5 acquisition, construction, operation, or maintenance of any common
6 facility may be credited or otherwise applied to the account of any
7 investor-owned utility or private commercial or industrial entity
8 therein, nor may the undivided share of any irrigation district in
9 any common facility be charged, directly or indirectly, with any debt
10 or obligation of any investor-owned utility or private commercial or
11 industrial entity or be subject to any lien as a result thereof. No
12 action in connection with a common facility may be binding upon any
13 irrigation district unless authorized or approved by resolution of
14 its board.

15 ~~((8))~~ (h) To acquire from a water-sewer district wholly within
16 the irrigation district's boundaries, by a conveyance without cost,
17 the water-sewer district's water system and to operate the same to
18 provide water for the domestic use of the irrigation district
19 residents. As a part of its acceptance of the conveyance the
20 irrigation district must agree to relieve the water-sewer district of
21 responsibility for maintenance and repair of the system. Any such
22 water-sewer district is authorized to make such a conveyance if all
23 indebtedness of the water-sewer district, except local improvement
24 district bonds, has been paid and the conveyance has been approved by
25 a majority of the water-sewer district's voters voting at a general
26 or special election.

27 ~~((9))~~ (i) To approve and condition placement of hydroelectric
28 generation facilities by entities other than the district on water
29 conveyance facilities operated or maintained by the district.

30 (2) An irrigation district providing electric or water utility
31 service to residential customers may not effect, due to lack of
32 payment, an involuntary termination of utility service to any
33 residential users, including tenants of metered apartment buildings
34 and residents of mobile homes, on any day for which the national
35 weather service has issued or has announced that it intends to issue
36 a heat-related alert, such as an excessive heat warning, a heat
37 advisory, an excessive heat watch, or a similar alert, for the area
38 in which the residential user's address is located.

39 (a)(i) A residential user at whose dwelling electric or water
40 utility service has been disconnected for lack of payment may request

1 that the irrigation district reconnect service on any day for which
2 the national weather service has issued or has announced that it
3 intends to issue a heat-related alert, such as an excessive heat
4 warning, a heat advisory, an excessive heat watch, or a similar
5 alert, for the area in which the residential user's address is
6 located. The irrigation district shall inform all customers in the
7 notice of disconnection of the ability to seek reconnection and
8 provide clear and specific information on how to make that request,
9 including how to contact the irrigation district.

10 (ii) Upon receipt of a request made pursuant to (a)(i) of this
11 subsection, the irrigation district shall promptly make a reasonable
12 attempt to reconnect service to the dwelling. The irrigation
13 district, in connection with a request made pursuant to (a)(i) of
14 this subsection, may require the residential user to enter into a
15 payment plan prior to reconnecting service to the dwelling. If the
16 irrigation district requires the residential user to enter into a
17 repayment plan, the repayment plan must comply with (b) of this
18 subsection.

19 (b) A repayment plan required by an irrigation district pursuant
20 to (a)(ii) of this subsection will be designed both to pay the past
21 due bill by the following May 15th, or as soon as possible after May
22 15th if needed to maintain monthly payments that are no greater than
23 six percent of the customer's monthly income, and to pay for
24 continued utility service. The plan may not require monthly payments
25 in excess of six percent of the customer's monthly income. A customer
26 may agree to pay a higher percentage during this period, but will not
27 be in default unless payment during this period is less than six
28 percent of the customer's monthly income. If assistance payments are
29 received by the customer subsequent to implementation of the plan,
30 the customer shall contact the irrigation district to reformulate the
31 plan.

32 (c) On an annual basis, each irrigation district with more than
33 25,000 retail electric customers or 2,500 water customers in
34 Washington must submit a report to the department of commerce that
35 includes the total number of disconnections that occurred on each day
36 for which the national weather service issued, or announced that it
37 intended to issue, a heat-related alert. Irrigation districts with
38 fewer than 25,000 retail electric customers or 2,500 water customers
39 in Washington must provide similar information upon request by the
40 department.

1 (i) Subject to availability, each irrigation district must
2 provide any other information related to utility disconnections that
3 is requested by the department.

4 (ii) The information required in this subsection (2)(c) must be
5 submitted in a form, timeline, and manner as prescribed by the
6 department.

7 (3) This section shall not be construed as in any manner
8 abridging any other powers of an irrigation district conferred by
9 law.

10 **Sec. 8.** RCW 59.18.060 and 2013 c 35 s 1 are each amended to read
11 as follows:

12 The landlord will at all times during the tenancy keep the
13 premises fit for human habitation, and shall in particular:

14 (1) Maintain the premises to substantially comply with any
15 applicable code, statute, ordinance, or regulation governing their
16 maintenance or operation, which the legislative body enacting the
17 applicable code, statute, ordinance or regulation could enforce as to
18 the premises rented if such condition endangers or impairs the health
19 or safety of the tenant;

20 (2) Maintain the structural components including, but not limited
21 to, the roofs, floors, walls, chimneys, fireplaces, foundations, and
22 all other structural components, in reasonably good repair so as to
23 be usable;

24 (3) Keep any shared or common areas reasonably clean, sanitary,
25 and safe from defects increasing the hazards of fire or accident;

26 (4) Provide a reasonable program for the control of infestation
27 by insects, rodents, and other pests at the initiation of the tenancy
28 and, except in the case of a single-family residence, control
29 infestation during tenancy except where such infestation is caused by
30 the tenant;

31 (5) Except where the condition is attributable to normal wear and
32 tear, make repairs and arrangements necessary to put and keep the
33 premises in as good condition as it by law or rental agreement should
34 have been, at the commencement of the tenancy;

35 (6) Provide reasonably adequate locks and furnish keys to the
36 tenant;

37 (7) Maintain and safeguard with reasonable care any master key or
38 duplicate keys to the dwelling unit;

1 (8) Maintain all electrical, plumbing, heating, and other
2 facilities and appliances supplied by him or her in reasonably good
3 working order;

4 (9) Maintain the dwelling unit in reasonably weathertight
5 condition;

6 (10) Except in the case of a single-family residence, provide and
7 maintain appropriate receptacles in common areas for the removal of
8 ashes, rubbish, and garbage, incidental to the occupancy and arrange
9 for the reasonable and regular removal of such waste;

10 (11) Provide facilities adequate to supply heat and water and hot
11 water as reasonably required by the tenant;

12 (a) The landlord may not effect an involuntary termination of
13 electric utility or water service due to lack of payment to any
14 tenant on any day for which the national weather service has issued
15 or has announced that it intends to issue a heat-related alert, such
16 as an excessive heat warning, a heat advisory, an excessive heat
17 watch, or a similar alert, for the area in which the tenant's address
18 is located.

19 (b)(i) A tenant at whose dwelling electric or water utility
20 service has been disconnected for lack of payment may request that
21 the landlord reconnect service on any day for which the national
22 weather service has issued or has announced that it intends to issue
23 a heat-related alert, such as an excessive heat warning, a heat
24 advisory, an excessive heat watch, or a similar alert, for the area
25 in which the tenant's address is located. The landlord shall inform
26 all tenants in the notice of disconnection of the ability to seek
27 reconnection and provide clear and specific information on how to
28 make that request, including how to contact the landlord.

29 (ii) Upon receipt of a request made pursuant to (b)(i) of this
30 subsection, the landlord shall promptly make a reasonable attempt to
31 reconnect service to the dwelling. The landlord, in connection with a
32 request made pursuant to (b)(i) of this subsection, may require the
33 tenant to enter into a payment plan prior to reconnecting service to
34 the dwelling. If the landlord requires the tenant to enter into a
35 repayment plan, the repayment plan must comply with (c) of this
36 subsection.

37 (c) A repayment plan required by a landlord pursuant to (b)(i) of
38 this subsection will be designed both to pay the past due bill by the
39 following May 15th, or as soon as possible after May 15th if needed
40 to maintain monthly payments that are no greater than six percent of

1 the tenant's monthly income, and to pay for continued utility
2 service. The plan may not require monthly payments in excess of six
3 percent of the tenant's monthly income. A tenant may agree to pay a
4 higher percentage during this period, but will not be in default
5 unless payment during this period is less than six percent of the
6 tenant's monthly income. If assistance payments are received by the
7 tenant subsequent to implementation of the plan, the tenant shall
8 contact the landlord to reformulate the plan.

9 (12)(a) Provide a written notice to all tenants disclosing fire
10 safety and protection information. The landlord or his or her
11 authorized agent must provide a written notice to the tenant that the
12 dwelling unit is equipped with a smoke detection device as required
13 in RCW 43.44.110. The notice shall inform the tenant of the tenant's
14 responsibility to maintain the smoke detection device in proper
15 operating condition and of penalties for failure to comply with the
16 provisions of RCW 43.44.110(3). The notice must be signed by the
17 landlord or the landlord's authorized agent and tenant with copies
18 provided to both parties. Further, except with respect to a single-
19 family residence, the written notice must also disclose the
20 following:

21 (i) Whether the smoke detection device is hard-wired or battery
22 operated;

23 (ii) Whether the building has a fire sprinkler system;

24 (iii) Whether the building has a fire alarm system;

25 (iv) Whether the building has a smoking policy, and what that
26 policy is;

27 (v) Whether the building has an emergency notification plan for
28 the occupants and, if so, provide a copy to the occupants;

29 (vi) Whether the building has an emergency relocation plan for
30 the occupants and, if so, provide a copy to the occupants; and

31 (vii) Whether the building has an emergency evacuation plan for
32 the occupants and, if so, provide a copy to the occupants.

33 (b) The information required under this subsection may be
34 provided to a tenant in a multifamily residential building either as
35 a written notice or as a checklist that discloses whether the
36 building has fire safety and protection devices and systems. The
37 checklist shall include a diagram showing the emergency evacuation
38 routes for the occupants.

39 (c) The written notice or checklist must be provided to new
40 tenants at the time the lease or rental agreement is signed;

1 (13) Provide tenants with information provided or approved by the
2 department of health about the health hazards associated with
3 exposure to indoor mold. Information may be provided in written
4 format individually to each tenant, or may be posted in a visible,
5 public location at the dwelling unit property. The information must
6 detail how tenants can control mold growth in their dwelling units to
7 minimize the health risks associated with indoor mold. Landlords may
8 obtain the information from the department's website or, if requested
9 by the landlord, the department must mail the information to the
10 landlord in a printed format. When developing or changing the
11 information, the department of health must include representatives of
12 landlords in the development process. The information must be
13 provided by the landlord to new tenants at the time the lease or
14 rental agreement is signed;

15 (14) The landlord and his or her agents and employees are immune
16 from civil liability for failure to comply with subsection (13) of
17 this section except where the landlord and his or her agents and
18 employees knowingly and intentionally do not comply with subsection
19 (13) of this section; and

20 (15) Designate to the tenant the name and address of the person
21 who is the landlord by a statement on the rental agreement or by a
22 notice conspicuously posted on the premises. The tenant shall be
23 notified immediately of any changes in writing, which must be either
24 (a) delivered personally to the tenant or (b) mailed to the tenant
25 and conspicuously posted on the premises. If the person designated in
26 this section does not reside in the state where the premises are
27 located, there shall also be designated a person who resides in the
28 county who is authorized to act as an agent for the purposes of
29 service of notices and process, and if no designation is made of a
30 person to act as agent, then the person to whom rental payments are
31 to be made shall be considered such agent. Regardless of such
32 designation, any owner who resides outside the state and who violates
33 a provision of this chapter is deemed to have submitted himself or
34 herself to the jurisdiction of the courts of this state and personal
35 service of any process may be made on the owner outside the state
36 with the same force and effect as personal service within the state.
37 Any summons or process served out-of-state must contain the same
38 information and be served in the same manner as personal service of
39 summons or process served within the state, except the summons or
40 process must require the party to appear and answer within ((~~sixty~~))

1 60 days after such personal service out of the state. In an action
2 for a violation of this chapter that is filed under chapter 12.40
3 RCW, service of the notice of claim outside the state must contain
4 the same information and be served in the same manner as required
5 under chapter 12.40 RCW, except the date on which the party is
6 required to appear must not be less than (~~sixty~~) 60 days from the
7 date of service of the notice of claim.

8 No duty shall devolve upon the landlord to repair a defective
9 condition under this section, nor shall any defense or remedy be
10 available to the tenant under this chapter, where the defective
11 condition complained of was caused by the conduct of such tenant, his
12 or her family, invitee, or other person acting under his or her
13 control, or where a tenant unreasonably fails to allow the landlord
14 access to the property for purposes of repair. When the duty imposed
15 by subsection (1) of this section is incompatible with and greater
16 than the duty imposed by any other provisions of this section, the
17 landlord's duty shall be determined pursuant to subsection (1) of
18 this section.

19 **Sec. 9.** RCW 59.20.070 and 2019 c 342 s 4 are each amended to
20 read as follows:

21 A landlord shall not:

22 (1) Deny any tenant the right to sell such tenant's mobile home,
23 manufactured home, or park model within a park, or prohibit, in any
24 manner, any tenant from posting on the tenant's manufactured/mobile
25 home or park model, or on the rented mobile home lot, a commercially
26 reasonable "for sale" sign or any similar sign designed to advertise
27 the sale of the manufactured/mobile home or park model. In addition,
28 a landlord shall not require the removal of the mobile home,
29 manufactured home, or park model from the park because of the sale
30 thereof. Requirements for the transfer of the rental agreement are in
31 RCW 59.20.073. Nothing in this subsection prohibits a landlord from
32 enforcing reasonable rules or restrictions regarding the placement of
33 "for sale" signs on the tenant's manufactured/mobile home or park
34 model, or on the rented mobile home lot, if (a) the main purpose of
35 the rules or restrictions is to protect the safety of park tenants or
36 residents and (b) the rules or restrictions comply with RCW
37 59.20.045. The landlord may restrict the number of "for sale" signs
38 on the lot to two and may restrict the size of the signs to conform
39 to those in common use by home sale businesses;

1 (2) Restrict the tenant's freedom of choice in purchasing goods
2 or services but may reserve the right to approve or disapprove any
3 exterior structural improvements on a mobile home space: PROVIDED,
4 That door-to-door solicitation in the mobile home park may be
5 restricted in the rental agreement. Door-to-door solicitation does
6 not include public officials, housing and low-income assistance
7 organizations, or candidates for public office meeting or
8 distributing information to tenants in accordance with subsection (3)
9 or (4) of this section;

10 (3) Prohibit the distribution of information or meetings by
11 tenants of the mobile home park to discuss mobile home living and
12 affairs, including political caucuses or forums for or speeches of
13 public officials or candidates for public office, meetings with
14 housing and low-income assistance organizations, or meetings of
15 organizations that represent the interest of tenants in the park,
16 held in a tenant's home or any of the park community or recreation
17 halls if these halls are open for the use of the tenants, conducted
18 at reasonable times and in an orderly manner on the premises, nor
19 penalize any tenant for participation in such activities;

20 (4) Prohibit a public official, housing and low-income assistance
21 organization, or candidate for public office from meeting with or
22 distributing information to tenants in their individual mobile homes,
23 manufactured homes, or park models, nor penalize any tenant for
24 participating in these meetings or receiving this information;

25 (5) Evict a tenant, terminate a rental agreement, decline to
26 renew a rental agreement, increase rental or other tenant
27 obligations, decrease services, or modify park rules in retaliation
28 for any of the following actions on the part of a tenant taken in
29 good faith:

30 (a) Filing a complaint with any federal, state, county, or
31 municipal governmental authority relating to any alleged violation by
32 the landlord of an applicable statute, regulation, or ordinance;

33 (b) Requesting the landlord to comply with the provision of this
34 chapter or other applicable statute, regulation, or ordinance of the
35 state, county, or municipality;

36 (c) Filing suit against the landlord for any reason;

37 (d) Participation or membership in any homeowners association or
38 group;

39 (6) Charge to any tenant a utility fee in excess of actual
40 utility costs or intentionally cause termination or interruption of

1 any tenant's utility services, including water, heat, electricity, or
2 gas, except when an interruption of a reasonable duration is required
3 to make necessary repairs;

4 (7)(a) Effect an involuntary termination of electric utility or
5 water service due to lack of payment to any tenant on any day for
6 which the national weather service has issued or has announced that
7 it intends to issue a heat-related alert, such as an excessive heat
8 warning, a heat advisory, an excessive heat watch, or a similar
9 alert, for the area in which the tenant's address is located.

10 (b)(i) A tenant at whose dwelling electric or water utility
11 service has been disconnected for lack of payment may request that
12 the landlord reconnect service on any day for which the national
13 weather service has issued or has announced that it intends to issue
14 a heat-related alert, such as an excessive heat warning, a heat
15 advisory, an excessive heat watch, or a similar alert, for the area
16 in which the tenant's address is located. The landlord shall inform
17 all tenants in the notice of disconnection of the ability to seek
18 reconnection and provide clear and specific information on how to
19 make that request, including how to contact the landlord.

20 (ii) Upon receipt of a request made pursuant to (b)(i) of this
21 subsection, the landlord shall promptly make a reasonable attempt to
22 reconnect service to the dwelling. The landlord, in connection with a
23 request made pursuant to (b)(i) of this subsection, may require the
24 tenant to enter into a payment plan prior to reconnecting service to
25 the dwelling. If the landlord requires the tenant to enter into a
26 repayment plan, the repayment plan must comply with (c) of this
27 subsection.

28 (c) A repayment plan required by a landlord pursuant to (b)(ii)
29 of this subsection will be designed both to pay the past due bill by
30 the following May 15th, or as soon as possible after May 15th if
31 needed to maintain monthly payments that are no greater than six
32 percent of the tenant's monthly income, and to pay for continued
33 utility service. The plan may not require monthly payments in excess
34 of six percent of the tenant's monthly income. A tenant may agree to
35 pay a higher percentage during this period, but will not be in
36 default unless payment during this period is less than six percent of
37 the tenant's monthly income. If assistance payments are received by
38 the tenant subsequent to implementation of the plan, the tenant shall
39 contact the landlord to reformulate the plan.

1 (8) Remove or exclude a tenant from the premises unless this
2 chapter is complied with or the exclusion or removal is under an
3 appropriate court order; or

4 (~~(8)~~) (9) Prevent the entry or require the removal of a mobile
5 home, manufactured home, or park model for the sole reason that the
6 mobile home has reached a certain age. Nothing in this subsection
7 shall limit a landlord's right to exclude or expel a mobile home,
8 manufactured home, or park model for any other reason, including but
9 not limited to, failure to comply with fire, safety, and other
10 provisions of local ordinances and state laws relating to mobile
11 homes, manufactured homes, and park models, as long as the action
12 conforms to this chapter or any other relevant statutory provision."

13 Correct the title.

EFFECT: (1) Restores current statutory language providing that utility bill repayment plans associated with the existing moratorium on utility shut-offs during cold winter months may be no more than seven percent of household income.

(2) Requires every electrical company and water company regulated by the Utilities and Transportation Commission (UTC) to have and to abide by the terms of a tariff approved by the UTC that prohibits the electrical company or gas company from effecting, due to lack of payment, an involuntary termination of electric or water utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the National Weather Service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(3) Requires every UTC-regulated electrical company and water company to utilize a process approved by the UTC to inform customers in the notice of utility disconnection of the ability to seek reconnection in the event that a heat-related alert is issued.

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