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SENATE BILL 5854

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State of Washington

60th Legislature

2007 Regular Session

By Senators Benton and Carrell

Read first time 02/05/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to utility liens against rental property; and  
2 amending RCW 35.21.290, 35.67.200, and 36.94.150.

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

4 **Sec. 1.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to  
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, cities  
7 and towns owning their own waterworks, or electric light or power  
8 plants shall have a lien against the premises to which water, electric  
9 light, or power services were furnished for four months charges  
10 therefor due or to become due, but not for any charges more than four  
11 months past due: PROVIDED, That the owner of the premises or the owner  
12 of a delinquent mortgage thereon may give written notice to the  
13 superintendent or other head of such works or plant to cut off service  
14 to such premises accompanied by payment or tender of payment of the  
15 then delinquent and unpaid charges for such service against the  
16 premises together with the cut-off charge, whereupon the city or town  
17 shall have no lien against the premises for charges for such service  
18 thereafter furnished, nor shall the owner of the premises or the owner  
19 of a delinquent mortgage thereon be held for the payment thereof.

1       (2) If a property owner or the owner's designee notifies the city  
2 or town in writing that a property served by the city or town is a  
3 rental property, and provides, in writing, a mailing address for the  
4 tenant that is complete and accurate at the time it is provided, the  
5 city or town shall have no lien against the premises for the tenant's  
6 delinquent and unpaid charges and the city or town shall have no right  
7 of action against the property owner.

8       **Sec. 2.** RCW 35.67.200 and 1991 c 36 s 2 are each amended to read  
9 as follows:

10       (1) Except as provided in subsection (2) of this section, cities  
11 and towns owning their own sewer systems shall have a lien for  
12 delinquent and unpaid rates and charges for sewer service, penalties  
13 levied pursuant to RCW 35.67.190, and connection charges, including  
14 interest thereon, against the premises to which such service has been  
15 furnished or is available, which lien shall be superior to all other  
16 liens and encumbrances except general taxes and local and special  
17 assessments. The city or town by ordinance may provide that delinquent  
18 charges shall bear interest at not exceeding eight percent per annum  
19 computed on a monthly basis: PROVIDED, That a city or town using the  
20 property tax system for utility billing may, by resolution or  
21 ordinance, adopt the alternative lien procedure as set forth in RCW  
22 35.67.215.

23       (2) If a property owner or the owner's designee notifies the city  
24 or town in writing that a property served by the city or town is a  
25 rental property, and provides, in writing, a mailing address for the  
26 tenant that is complete and accurate at the time it is provided, the  
27 city or town shall have no lien against the premises for the tenant's  
28 delinquent and unpaid charges and the city or town shall have no right  
29 of action against the property owner.

30       **Sec. 3.** RCW 36.94.150 and 1997 c 393 s 9 are each amended to read  
31 as follows:

32       (1) Except as provided in subsection (4) of this section, all  
33 counties operating a system of sewerage and/or water shall have a lien  
34 for delinquent connection charges and charges for the availability of  
35 sewerage and/or water service, together with interest fixed by  
36 resolution at eight percent per annum from the date due until paid.

1 Penalties of not more than ten percent of the amount due may be imposed  
2 in case of failure to pay the charges at times fixed by resolution.  
3 The lien shall be for all charges, interest, and penalties and shall  
4 attach to the premises to which the services were available. The lien  
5 shall be superior to all other liens and encumbrances, except general  
6 taxes and local and special assessments of the county.

7 (2) The county department established in RCW 36.94.120 shall  
8 certify periodically the delinquencies to the auditor of the county at  
9 which time the lien shall attach.

10 (3) Upon the expiration of sixty days after the attachment of the  
11 lien, the county may bring suit in foreclosure by civil action in the  
12 superior court of the county where the property is located. Costs  
13 associated with the foreclosure of the lien, including but not limited  
14 to advertising, title report, and personnel costs, shall be added to  
15 the lien upon filing of the foreclosure action. In addition to the  
16 costs and disbursements provided by statute, the court may allow the  
17 county a reasonable attorney's fee. The lien shall be foreclosed in  
18 the same manner as the foreclosure of real property tax liens.

19 (4) If a property owner or the owner's designee notifies the county  
20 in writing that a property served by the county is a rental property,  
21 and provides, in writing, a mailing address for the tenant that is  
22 complete and accurate at the time it is provided, the county shall have  
23 no lien against the premises for the tenant's delinquent and unpaid  
24 charges and the county shall have no right of action against the  
25 property owner.

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