

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1329**

Chapter 105, Laws of 2023

68th Legislature  
2023 Regular Session

UTILITY SHUTOFFS—EXTREME HEAT

EFFECTIVE DATE: July 23, 2023

Passed by the House February 27, 2023  
Yeas 64 Nays 31

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 10, 2023  
Yeas 29 Nays 20

DENNY HECK

**President of the Senate**

Approved April 20, 2023 9:50 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1329** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

April 21, 2023

**Secretary of State  
State of Washington**



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

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

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

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

38 (a) Subject to availability, each locally regulated utility must  
39 provide any other information related to utility disconnections that  
40 is requested by 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 NEW SECTION. **Sec. 2.** A new section is added to chapter 24.06  
4 RCW to read as follows:

5 (1) As used in this section, any locally regulated utility as  
6 defined in RCW 24.06.600 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  
32 a repayment plan, the repayment plan must comply with subsection (3)  
33 of this section.

34 (3) A repayment plan required by a locally regulated utility  
35 pursuant to subsection (2)(b) of this section will be designed both  
36 to pay the past due bill by the following May 15th, or as soon as  
37 possible after May 15th if needed to maintain monthly payments that  
38 are no greater than six percent of the customer's monthly income, and  
39 to pay for continued utility service. The plan must not require

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

8 (4) On an annual basis, each locally regulated utility with more  
9 than 25,000 retail electric customers in Washington must submit a  
10 report to the department of commerce that includes the total number  
11 of disconnections that occurred on each day for which the national  
12 weather service issued, or announced that it intended to issue, a  
13 heat-related alert. Locally regulated utilities with fewer than  
14 25,000 retail electric customers in Washington must provide similar  
15 information upon request by the department.

16 (a) Subject to availability, each locally regulated utility must  
17 provide any other information related to utility disconnections that  
18 is requested by 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 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21  
22 RCW to read as follows:

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

32 (2)(a) A residential user at whose dwelling utility service has  
33 been disconnected for lack of payment may request that the utility  
34 reconnect service on any day for which the national weather service  
35 has 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. The utility shall inform all  
39 customers in the notice of disconnection of the ability to seek

1 reconnection and provide clear and specific information on how to  
2 make that request, including how to contact the utility.

3 (b) Upon receipt of a request made pursuant to (a) of this  
4 subsection, the utility shall promptly make a reasonable attempt to  
5 reconnect service to the dwelling. The utility, in connection with a  
6 request made pursuant to (a) of this subsection, may require the  
7 residential user to enter into a payment plan prior to reconnecting  
8 service to the dwelling. If the utility requires the residential user  
9 to enter into a repayment plan, the repayment plan must comply with  
10 subsection (3) of this section.

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

23 (4) On an annual basis, each city or town, including a code city,  
24 that owns or operates an electric or water utility with more than  
25 25,000 retail electric customers or 2,500 water customers in  
26 Washington must submit a report to the department of commerce that  
27 includes the total number of disconnections that occurred on each day  
28 for which the national weather service issued, or announced that it  
29 intended to issue, a heat-related alert. Utilities with fewer than  
30 25,000 retail electric customers or 2,500 water customers in  
31 Washington must provide similar information upon request by the  
32 department.

33 (a) Subject to availability, each utility must provide any other  
34 information related to utility disconnections that is requested by  
35 the department.

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

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

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

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

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

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

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

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

1 payments are received by the customer subsequent to implementation of  
2 the plan, the customer shall contact the utility to reformulate the  
3 plan; and

4 (f) Agrees to pay the moneys owed even if (~~he or she moves,~~  
5 ~~(2-)~~) the customer moves.

6 (2) The utility shall:

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

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

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

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

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

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

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



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

10       (6)(a) A residential user at whose dwelling utility service has  
11 been disconnected for lack of payment may request that the district  
12 reconnect service on any day for which the national weather service  
13 has issued or has announced that it intends to issue a heat-related  
14 alert, such as an excessive heat warning, a heat advisory, an  
15 excessive heat watch, or a similar alert, for the area in which the  
16 residential user's address is located. The district shall inform all  
17 customers 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 district.

20       (b) Upon receipt of a request made pursuant to (a) of this  
21 subsection, the district shall promptly make a reasonable attempt to  
22 reconnect service to the dwelling. The district, in connection with a  
23 request made pursuant to (a) of this subsection, may require the  
24 residential user to enter into a payment plan prior to reconnecting  
25 service to the dwelling. If the district requires the residential  
26 user to enter into a repayment plan, the repayment plan must comply  
27 with subsection (7) of this section.

28       (7) A repayment plan required by a district pursuant to  
29 subsection (6)(b) of this section will be designed both to pay the  
30 past due bill by the following May 15th, or as soon as possible after  
31 May 15th if needed to maintain monthly payments that are no greater  
32 than six percent of the customer's monthly income, and to pay for  
33 continued utility service. The plan may not require monthly payments  
34 in excess of six percent of the customer's monthly income. A customer  
35 may agree to pay a higher percentage during this period, but will not  
36 be in default unless payment during this period is less than six  
37 percent of the customer's monthly income. If assistance payments are  
38 received by the customer subsequent to implementation of the plan,  
39 the customer shall contact the district to reformulate the plan.

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

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

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

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

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

24 (2) In classifying customers of such water, sewer, or drainage  
25 system, the board of commissioners may in its discretion consider any  
26 or all of the following factors: The difference in cost to various  
27 customers; the location of the various customers within and without  
28 the district; the difference in cost of maintenance, operation,  
29 repair, and replacement of the various parts of the system; the  
30 different character of the service furnished various customers; the  
31 quantity and quality of the service and facility furnished; the time  
32 of its use; the achievement of water conservation goals and the  
33 discouragement of wasteful practices; capital contributions made to  
34 the system including but not limited to assessments; and any other  
35 matters which present a reasonable difference as a ground for  
36 distinction. Rates shall be established as deemed proper by the  
37 commissioners and as fixed by resolution and shall produce revenues  
38 sufficient to take care of the costs of maintenance and operation,  
39 revenue bond and warrant interest and principal amortization

1 requirements, and all other charges necessary for efficient and  
2 proper operation of the system. Prior to furnishing services, a  
3 district may require a deposit to guarantee payment for services.  
4 However, failure to require a deposit does not affect the validity of  
5 any lien authorized by this section.

6 (3) The commissioners shall enforce collection of connection  
7 charges, and rates and charges for water supplied against property  
8 owners connecting with the system or receiving such water, and for  
9 sewer and drainage services charged against property to which and its  
10 owners to whom the service is available, such charges being deemed  
11 charges against the property served, by addition of penalties of not  
12 more than ten percent thereof in case of failure to pay the charges  
13 at times fixed by resolution. The commissioners may provide by  
14 resolution that where either connection charges or rates and charges  
15 for services supplied are delinquent for any specified period of  
16 time, the district shall certify the delinquencies to the auditor of  
17 the county in which the real property is located, and the charges and  
18 any penalties added thereto and interest thereon at the rate of not  
19 more than the prime lending rate of the district's bank plus four  
20 percentage points per year shall be a lien against the property upon  
21 which the service was received, subject only to the lien for general  
22 taxes.

23 (4) The district may, at any time after the connection charges or  
24 rates and charges for services supplied or available and penalties  
25 are delinquent for a period of (~~sixty~~) 60 days, bring suit in  
26 foreclosure by civil action in the superior court of the county in  
27 which the real property is located. The court may allow, in addition  
28 to the costs and disbursements provided by statute, attorneys' fees,  
29 title search and report costs, and expenses as it adjudges  
30 reasonable. The action shall be in rem, and may be brought in the  
31 name of the district against an individual or against all of those  
32 who are delinquent in one action. The laws and rules of the court  
33 shall control as in other civil actions.

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

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

1 (7) A district may provide a real property owner or the owner's  
2 designee with duplicate bills for service to tenants, or may notify  
3 an owner or the owner's designee that a tenant's service account is  
4 delinquent. However, if an owner or the owner's designee notifies the  
5 district in writing that a property served by the district is a  
6 rental property, asks to be notified of a tenant's delinquency, and  
7 has provided, in writing, a complete and accurate mailing address,  
8 the district shall notify the owner or the owner's designee of a  
9 tenant's delinquency at the same time and in the same manner the  
10 district notifies the tenant of the tenant's delinquency or by mail.  
11 When a district provides a real property owner or the owner's  
12 designee with duplicates of tenant utility service bills or notice  
13 that a tenant's utility account is delinquent, the district shall  
14 notify the tenant that it is providing the duplicate bills or  
15 delinquency notice to the owner or the owner's designee. After  
16 January 1, 1999, if a district fails to notify the owner of a  
17 tenant's delinquency after receiving a written request to do so and  
18 after receiving the other information required by this subsection  
19 (7), the district shall have no lien against the premises for the  
20 tenant's delinquent and unpaid charges.

21 (8) A district providing water utility service to residential  
22 customers may not effect, due to lack of payment, an involuntary  
23 termination of utility service to any residential user, including  
24 tenants of metered apartment buildings and residents of mobile homes,  
25 on any day for which the national weather service has issued or has  
26 announced that it intends to issue a heat-related alert, such as an  
27 excessive heat warning, a heat advisory, an excessive heat watch, or  
28 a similar alert, for the area in which the residential user's address  
29 is located.

30 (9) (a) A residential user at whose dwelling utility service has  
31 been disconnected for lack of payment may request that the district  
32 reconnect service on any day for which the national weather service  
33 has issued or has announced that it intends to issue a heat-related  
34 alert, such as an excessive heat warning, a heat advisory, an  
35 excessive heat watch, or a similar alert, for the area in which the  
36 residential user's address is located. The district shall inform all  
37 customers in the notice of disconnection of the ability to seek  
38 reconnection and provide clear and specific information on how to  
39 make that request, including how to contact the district.

1 (b) Upon receipt of a request made pursuant to (a) of this  
2 subsection, the district shall promptly make a reasonable attempt to  
3 reconnect service to the dwelling. The district, in connection with a  
4 request made pursuant to (a) of this subsection, may require the  
5 residential user to enter into a payment plan prior to reconnecting  
6 service to the dwelling. If the district requires the residential  
7 user to enter into a repayment plan, the repayment plan must comply  
8 with subsection (10) of this section.

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

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

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

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

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

35 (1) All charges made, demanded or received by any gas company,  
36 electrical company, wastewater company, or water company for gas,  
37 electricity or water, or for any service rendered or to be rendered  
38 in connection therewith, shall be just, fair, reasonable and  
39 sufficient. Reasonable charges necessary to cover the cost of

1 administering the collection of voluntary donations for the purposes  
2 of supporting the development and implementation of evergreen  
3 community management plans and ordinances under RCW 80.28.300 must be  
4 deemed as prudent and necessary for the operation of a utility.

5 (2) Every gas company, electrical company, wastewater company,  
6 and water company shall furnish and supply such service,  
7 instrumentalities and facilities as shall be safe, adequate and  
8 efficient, and in all respects just and reasonable.

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

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

15 (a) Notifies the utility of the inability to pay the bill(~~(7~~  
16 ~~including a security deposit)~~). This notice should be provided within  
17 five business days of receiving a payment overdue notice unless there  
18 are extenuating circumstances. If the customer fails to notify the  
19 utility within five business days and service is terminated, the  
20 customer can, by (~~(paying reconnection charges, if any, and)~~)  
21 fulfilling the requirements of this section, receive the protections  
22 of this chapter;

23 (b) Provides self-certification of household income for the prior  
24 twelve months to a grantee of the department of commerce, which  
25 administers federally funded energy assistance programs. The grantee  
26 shall determine that the household income does not exceed the maximum  
27 allowed for eligibility under the state's plan for low-income energy  
28 assistance under 42 U.S.C. 8624 and shall provide a dollar figure  
29 that is seven percent of household income. The grantee may verify  
30 information provided in the self-certification;

31 (c) Has applied for home heating assistance from applicable  
32 government and private sector organizations and certifies that any  
33 assistance received will be applied to the current bill and future  
34 utility bills;

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

38 (e) Agrees to a payment plan and agrees to maintain the payment  
39 plan. The plan will be designed both to pay the past due bill by the  
40 following October 15th and to pay for continued utility service. If

1 the past due bill is not paid by the following October 15, the  
2 customer is not eligible for protections under this chapter until the  
3 past due bill is paid. The plan may not require monthly payments in  
4 excess of seven percent of the customer's monthly income plus one-  
5 twelfth of any arrearage accrued from the date application is made  
6 and thereafter during November 15 through March 15. A customer may  
7 agree to pay a higher percentage during this period, but shall not be  
8 in default unless payment during this period is less than seven  
9 percent of monthly income plus one-twelfth of any arrearage accrued  
10 from the date application is made and thereafter. If assistance  
11 payments are received by the customer subsequent to implementation of  
12 the plan, the customer shall contact the utility to reformulate the  
13 plan; and

14 (f) Agrees to pay the moneys owed even if (~~he or she moves,~~  
15 ~~(5-)~~) the customer moves.

16 (5) The utility shall:

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

20 (b) Assist the customer in fulfilling the requirements under this  
21 section;

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

25 (d) Be permitted to disconnect service if the customer fails to  
26 honor the payment program except on the days indicated in subsection  
27 (8) of this section. Utilities may continue to disconnect service for  
28 those practices authorized by law other than for nonpayment as  
29 provided for in this subsection. Customers who qualify for payment  
30 plans under this section who default on their payment plans and are  
31 disconnected can be reconnected and maintain the protections afforded  
32 under this chapter by paying (~~reconnection charges, if any, and by~~  
33 ~~paying~~) all amounts that would have been due and owing under the  
34 terms of the applicable payment plan, absent default, on the date on  
35 which service is reconnected; and

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

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

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

10 (8)(a) Every electrical company and water company must have and  
11 must abide by the terms of a tariff approved by the commission that  
12 prohibits the electrical company or water company from effecting, due  
13 to lack of payment, an involuntary termination of electric or water  
14 utility service to any residential user, including tenants of metered  
15 apartment buildings and residents of mobile homes, on any day for  
16 which the national weather service has issued or has announced that  
17 it intends to issue a heat-related alert, such as an excessive heat  
18 warning, a heat advisory, an excessive heat watch, or a similar  
19 alert, for the area in which the residential user's address is  
20 located.

21 (b) Nothing in this subsection (8) limits the authority of the  
22 commission to prohibit an electrical company or water company from  
23 terminating electric or water utility service in accordance with an  
24 approved tariff, rule, or order, in circumstances independent of the  
25 weather.

26 (9)(a) A residential user at whose dwelling electric or water  
27 utility service has been disconnected for lack of payment may request  
28 that the utility reconnect service on any day for which the national  
29 weather service has issued or has announced that it intends to issue  
30 a heat-related alert, such as an excessive heat warning, a heat  
31 advisory, an excessive heat watch, or a similar alert, for the area  
32 in which the residential user's address is located. The utility  
33 shall, through a process approved by the commission, inform all  
34 customers in the notice of disconnection of the ability to seek  
35 reconnection and provide clear and specific information on how to  
36 make that request, including how to contact the utility.

37 (b) Upon receipt of a request made pursuant to (a) of this  
38 subsection, the utility shall promptly make a reasonable attempt to  
39 reconnect service to the dwelling. The utility, in connection with a  
40 request made pursuant to (a) of this subsection, may require the



1 residential user to enter into a payment plan prior to reconnecting  
2 service to the dwelling. If the utility requires the residential user  
3 to enter into a repayment plan, the repayment plan must comply with  
4 subsection (10) of this section.

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

17 (11) Every gas company, electrical company, wastewater company,  
18 and water company shall construct and maintain such facilities in  
19 connection with the manufacture and distribution of its product, or  
20 provision of its services, as will be efficient and safe to its  
21 employees and the public.

22 ~~((+9))~~ (12) An agreement between the customer and the utility,  
23 whether oral or written, does not waive the protections afforded  
24 under this chapter.

25 ~~((+10))~~ (13) In establishing rates or charges for water service,  
26 water companies as defined in RCW 80.04.010 may consider the  
27 achievement of water conservation goals and the discouragement of  
28 wasteful water use practices.

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

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

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

1        (~~(1)~~) (a) To purchase and sell electric power to the  
2 inhabitants of the irrigation district for the purposes of irrigation  
3 and domestic use; to finance, acquire, construct, own, and lease  
4 dams, canals, plants, transmission lines, and other power equipment  
5 and the necessary property and rights therefor and to operate,  
6 improve, repair, and maintain the same, for the generation and  
7 transmission of electrical energy for use in the operation of pumping  
8 plants and irrigation systems of the district and for sale to the  
9 inhabitants of the irrigation district for the purposes of irrigation  
10 and domestic use; and, as a further and separate grant of authority  
11 and in furtherance of a state purpose and policy of developing  
12 hydroelectric capability in connection with irrigation facilities, to  
13 construct, finance, acquire, own, lease, operate, improve, repair,  
14 and maintain, alone or jointly with other irrigation districts,  
15 boards of control, municipal or quasi-municipal corporations or  
16 cooperatives authorized to engage in the business of distributing  
17 electricity, electrical companies subject to the jurisdiction of the  
18 utilities and transportation commission, private commercial or  
19 industrial entities that construct or operate electric power  
20 generation or transmission facilities, or private commercial or  
21 industrial entities that acquire electric power for their own use or  
22 resale, hydroelectric facilities including but not limited to dams,  
23 canals, plants, transmission lines, other power equipment, and the  
24 necessary property and rights therefor, located within or outside the  
25 district, for the purpose of utilizing for the generation of  
26 electricity, water power made available by and as a part of the  
27 irrigation water storage, conveyance, and distribution facilities,  
28 waste ways, and drainage water facilities which serve irrigation  
29 districts, and to sell any and all the electric energy generated at  
30 any such hydroelectric facilities or the irrigation district's share  
31 of such energy, to municipal or quasi-municipal corporations or  
32 cooperatives authorized to engage in the business of distributing  
33 electricity, electrical companies subject to the jurisdiction of the  
34 utilities and transportation commission, private commercial or  
35 industrial entities that acquire electric power for their own use or  
36 resale, or other irrigation districts, and on such terms and  
37 conditions as the board of directors shall determine. No contract  
38 entered into under this subsection (1)(a) by the board of directors  
39 of any irrigation district for the sale of electrical energy from  
40 such hydroelectric facility for a period longer than forty years from

1 the date of commercial operation of such hydroelectric facility shall  
2 be binding on the district until ratified by a majority vote of the  
3 electors of the district at an election therein, called, held, and  
4 canvassed for that purpose in the same manner as that provided by law  
5 for district bond elections.

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

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

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

15 ~~((5))~~ (e) To maintain, repair, construct, and reconstruct  
16 ditches, laterals, pipe lines, and other water conduits used or to be  
17 used in carrying water for irrigation of lands located within the  
18 boundaries of a city or town, or for the domestic use of the  
19 residents of a city or town where the owners of land within such city  
20 or town shall use such works to carry water to the boundaries of such  
21 city or town for irrigation, domestic, or other purposes within such  
22 city or town, and to charge to such city or town the pro rata  
23 proportion of the cost of such maintenance, repair, construction, and  
24 reconstruction work in proportion to the benefits received by the  
25 lands served and located within the boundaries of such city or town,  
26 and if such cost is not paid, then and in that event said irrigation  
27 district shall have the right to prevent further water deliveries  
28 through such works to the lands located within the boundaries of such  
29 city or town until such charges have been paid.

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

35 ~~((7))~~ (g) To enter into contracts with other irrigation  
36 districts, boards of control, municipal or quasi-municipal  
37 corporations or cooperatives authorized to engage in the business of  
38 distributing electricity, electrical companies subject to the  
39 jurisdiction of the utilities and transportation commission, private  
40 commercial or industrial entities that construct or operate electric

1 power generation or transmission facilities, or private commercial or  
2 industrial entities that acquire electric power for their own use or  
3 resale, to jointly finance, acquire, lease, construct, own, operate,  
4 improve, repair, and maintain irrigation water, domestic water,  
5 drainage and sewerage works, and electrical power works to the same  
6 extent as authorized by (a) of this subsection (~~((1) of this~~  
7 ~~section))~~, or portions of such works. If an irrigation district  
8 enters into a contract or agreement under this subsection (1)(g) to  
9 create a legal entity or undertaking with an investor-owned utility  
10 or a private commercial or industrial entity, that contract or  
11 agreement must provide that the irrigation district be severally  
12 liable only for its own acts and not jointly or severally liable for  
13 the acts, omissions, or obligations of an investor-owned utility or a  
14 private commercial or industrial entity. No money or property  
15 supplied by any irrigation district for the planning, financing,  
16 acquisition, construction, operation, or maintenance of any common  
17 facility may be credited or otherwise applied to the account of any  
18 investor-owned utility or private commercial or industrial entity  
19 therein, nor may the undivided share of any irrigation district in  
20 any common facility be charged, directly or indirectly, with any debt  
21 or obligation of any investor-owned utility or private commercial or  
22 industrial entity or be subject to any lien as a result thereof. No  
23 action in connection with a common facility may be binding upon any  
24 irrigation district unless authorized or approved by resolution of  
25 its board.

26 ~~((8))~~ (h) To acquire from a water-sewer district wholly within  
27 the irrigation district's boundaries, by a conveyance without cost,  
28 the water-sewer district's water system and to operate the same to  
29 provide water for the domestic use of the irrigation district  
30 residents. As a part of its acceptance of the conveyance the  
31 irrigation district must agree to relieve the water-sewer district of  
32 responsibility for maintenance and repair of the system. Any such  
33 water-sewer district is authorized to make such a conveyance if all  
34 indebtedness of the water-sewer district, except local improvement  
35 district bonds, has been paid and the conveyance has been approved by  
36 a majority of the water-sewer district's voters voting at a general  
37 or special election.

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

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

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

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

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

1 the customer shall contact the irrigation district to reformulate the  
2 plan.

3 (c) On an annual basis, each irrigation district with more than  
4 25,000 retail electric customers or 2,500 water customers in  
5 Washington must submit a report to the department of commerce that  
6 includes the total number of disconnections that occurred on each day  
7 for which the national weather service issued, or announced that it  
8 intended to issue, a heat-related alert. Irrigation districts with  
9 fewer than 25,000 retail electric customers or 2,500 water customers  
10 in Washington must provide similar information upon request by the  
11 department.

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

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

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

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

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

25 (1) Maintain the premises to substantially comply with any  
26 applicable code, statute, ordinance, or regulation governing their  
27 maintenance or operation, which the legislative body enacting the  
28 applicable code, statute, ordinance or regulation could enforce as to  
29 the premises rented if such condition endangers or impairs the health  
30 or safety of the tenant;

31 (2) Maintain the structural components including, but not limited  
32 to, the roofs, floors, walls, chimneys, fireplaces, foundations, and  
33 all other structural components, in reasonably good repair so as to  
34 be usable;

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

37 (4) Provide a reasonable program for the control of infestation  
38 by insects, rodents, and other pests at the initiation of the tenancy  
39 and, except in the case of a single-family residence, control

1 infestation during tenancy except where such infestation is caused by  
2 the tenant;

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

7 (6) Provide reasonably adequate locks and furnish keys to the  
8 tenant;

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

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

14 (9) Maintain the dwelling unit in reasonably weathertight  
15 condition;

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

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

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

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

39 (ii) Upon receipt of a request made pursuant to (b)(i) of this  
40 subsection, the landlord shall promptly make a reasonable attempt to

1 reconnect service to the dwelling. The landlord, in connection with a  
2 request made pursuant to (b)(i) of this subsection, may require the  
3 tenant to enter into a payment plan prior to reconnecting service to  
4 the dwelling. If the landlord requires the tenant to enter into a  
5 repayment plan, the repayment plan must comply with (c) of this  
6 subsection.

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

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

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

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

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

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

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

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



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

3 (b) The information required under this subsection may be  
4 provided to a tenant in a multifamily residential building either as  
5 a written notice or as a checklist that discloses whether the  
6 building has fire safety and protection devices and systems. The  
7 checklist shall include a diagram showing the emergency evacuation  
8 routes for the occupants.

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

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

25 (14) The landlord and his or her agents and employees are immune  
26 from civil liability for failure to comply with subsection (13) of  
27 this section except where the landlord and his or her agents and  
28 employees knowingly and intentionally do not comply with subsection  
29 (13) of this section; and

30 (15) Designate to the tenant the name and address of the person  
31 who is the landlord by a statement on the rental agreement or by a  
32 notice conspicuously posted on the premises. The tenant shall be  
33 notified immediately of any changes in writing, which must be either  
34 (a) delivered personally to the tenant or (b) mailed to the tenant  
35 and conspicuously posted on the premises. If the person designated in  
36 this section does not reside in the state where the premises are  
37 located, there shall also be designated a person who resides in the  
38 county who is authorized to act as an agent for the purposes of  
39 service of notices and process, and if no designation is made of a  
40 person to act as agent, then the person to whom rental payments are

1 to be made shall be considered such agent. Regardless of such  
2 designation, any owner who resides outside the state and who violates  
3 a provision of this chapter is deemed to have submitted himself or  
4 herself to the jurisdiction of the courts of this state and personal  
5 service of any process may be made on the owner outside the state  
6 with the same force and effect as personal service within the state.  
7 Any summons or process served out-of-state must contain the same  
8 information and be served in the same manner as personal service of  
9 summons or process served within the state, except the summons or  
10 process must require the party to appear and answer within (~~sixty~~)  
11 60 days after such personal service out of the state. In an action  
12 for a violation of this chapter that is filed under chapter 12.40  
13 RCW, service of the notice of claim outside the state must contain  
14 the same information and be served in the same manner as required  
15 under chapter 12.40 RCW, except the date on which the party is  
16 required to appear must not be less than (~~sixty~~) 60 days from the  
17 date of service of the notice of claim.

18 No duty shall devolve upon the landlord to repair a defective  
19 condition under this section, nor shall any defense or remedy be  
20 available to the tenant under this chapter, where the defective  
21 condition complained of was caused by the conduct of such tenant, his  
22 or her family, invitee, or other person acting under his or her  
23 control, or where a tenant unreasonably fails to allow the landlord  
24 access to the property for purposes of repair. When the duty imposed  
25 by subsection (1) of this section is incompatible with and greater  
26 than the duty imposed by any other provisions of this section, the  
27 landlord's duty shall be determined pursuant to subsection (1) of  
28 this section.

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

31 A landlord shall not:

32 (1) Deny any tenant the right to sell such tenant's mobile home,  
33 manufactured home, or park model within a park, or prohibit, in any  
34 manner, any tenant from posting on the tenant's manufactured/mobile  
35 home or park model, or on the rented mobile home lot, a commercially  
36 reasonable "for sale" sign or any similar sign designed to advertise  
37 the sale of the manufactured/mobile home or park model. In addition,  
38 a landlord shall not require the removal of the mobile home,  
39 manufactured home, or park model from the park because of the sale

1   thereof. Requirements for the transfer of the rental agreement are in  
2   RCW 59.20.073. Nothing in this subsection prohibits a landlord from  
3   enforcing reasonable rules or restrictions regarding the placement of  
4   "for sale" signs on the tenant's manufactured/mobile home or park  
5   model, or on the rented mobile home lot, if (a) the main purpose of  
6   the rules or restrictions is to protect the safety of park tenants or  
7   residents and (b) the rules or restrictions comply with RCW  
8   59.20.045. The landlord may restrict the number of "for sale" signs  
9   on the lot to two and may restrict the size of the signs to conform  
10  to those in common use by home sale businesses;

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

20       (3) Prohibit the distribution of information or meetings by  
21  tenants of the mobile home park to discuss mobile home living and  
22  affairs, including political caucuses or forums for or speeches of  
23  public officials or candidates for public office, meetings with  
24  housing and low-income assistance organizations, or meetings of  
25  organizations that represent the interest of tenants in the park,  
26  held in a tenant's home or any of the park community or recreation  
27  halls if these halls are open for the use of the tenants, conducted  
28  at reasonable times and in an orderly manner on the premises, nor  
29  penalize any tenant for participation in such activities;

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

35       (5) Evict a tenant, terminate a rental agreement, decline to  
36  renew a rental agreement, increase rental or other tenant  
37  obligations, decrease services, or modify park rules in retaliation  
38  for any of the following actions on the part of a tenant taken in  
39  good faith:

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

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

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

8 (d) Participation or membership in any homeowners association or  
9 group;

10 (6) Charge to any tenant a utility fee in excess of actual  
11 utility costs or intentionally cause termination or interruption of  
12 any tenant's utility services, including water, heat, electricity, or  
13 gas, except when an interruption of a reasonable duration is required  
14 to make necessary repairs;

15 (7)(a) Effect an involuntary termination of electric utility or  
16 water service due to lack of payment to any tenant on any day for  
17 which the national weather service has issued or has announced that  
18 it 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 tenant's address is located.

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

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

39 (c) A repayment plan required by a landlord pursuant to (b)(ii)  
40 of this subsection will be designed both to pay the past due bill by

1 the following May 15th, or as soon as possible after May 15th if  
2 needed to maintain monthly payments that are no greater than six  
3 percent of the tenant's monthly income, and to pay for continued  
4 utility service. The plan may not require monthly payments in excess  
5 of six percent of the tenant's monthly income. A tenant may agree to  
6 pay a higher percentage during this period, but will not be in  
7 default unless payment during this period is less than six percent of  
8 the tenant's monthly income. If assistance payments are received by  
9 the tenant subsequent to implementation of the plan, the tenant shall  
10 contact the landlord to reformulate the plan.

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

14 ~~((8))~~ (9) Prevent the entry or require the removal of a mobile  
15 home, manufactured home, or park model for the sole reason that the  
16 mobile home has reached a certain age. Nothing in this subsection  
17 shall limit a landlord's right to exclude or expel a mobile home,  
18 manufactured home, or park model for any other reason, including but  
19 not limited to, failure to comply with fire, safety, and other  
20 provisions of local ordinances and state laws relating to mobile  
21 homes, manufactured homes, and park models, as long as the action  
22 conforms to this chapter or any other relevant statutory provision.

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