
SUBSTITUTE SENATE BILL 5366

State of Washington

68th Legislature

2023 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Nguyen, Cleveland, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Randall, Saldaña, Stanford, Valdez, and C. Wilson; by request of Attorney General)

1 AN ACT Relating to preventing utility shutoffs for nonpayment
2 during extreme heat; amending RCW 54.16.285, 57.08.081, 80.28.010,
3 87.03.015, 59.18.060, and 59.20.070; adding a new section to chapter
4 23.86 RCW; adding a new section to chapter 24.06 RCW; and adding a
5 new section to chapter 35.21 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 23.86
8 RCW to read as follows:

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

18 (2)(a) A residential user at whose dwelling electric utility
19 service has been disconnected for lack of payment may request that
20 the locally regulated utility reconnect service on any day for which
21 the national weather service has issued or has announced that it

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)~~) six percent of household income. The grantee may
20 verify 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)~~) six percent of the customer's monthly income plus
35 one-twelfth of any arrearage accrued from the date application is
36 made and thereafter during November 15 through March 15. A customer
37 may agree to pay a higher percentage during this period, but shall
38 not be in default unless payment during this period is less than
39 (~~(seven)~~) six percent of monthly income plus one-twelfth of any
40 arrearage accrued from the date application is made and thereafter.

1 If assistance payments are received by the customer subsequent to
2 implementation of the plan, the customer shall contact the utility to
3 reformulate the 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)~~) six percent of household income. The grantee may
30 verify 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~~) six percent of the customer's monthly income plus
5 one-twelfth of any arrearage accrued from the date application is
6 made and thereafter during November 15 through March 15. A customer
7 may agree to pay a higher percentage during this period, but shall
8 not be in default unless payment during this period is less than
9 (~~seven~~) six percent of monthly income plus one-twelfth of any
10 arrearage accrued from the date application is made and thereafter.
11 If assistance payments are received by the customer subsequent to
12 implementation of the plan, the customer shall contact the utility to
13 reformulate the 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 utility may not effect, due to lack of payment, an
11 involuntary termination of electric or water utility service to any
12 residential user, including tenants of metered apartment buildings
13 and residents of mobile homes, on any day for which the national
14 weather service has issued or has announced that it intends to issue
15 a heat-related alert, such as an excessive heat warning, a heat
16 advisory, an excessive heat watch, or a similar alert, for the area
17 in which the residential user's address is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 advisory, an excessive heat watch, or a similar alert, for the area
2 in which the residential user's address is located.

3 (a) (i) A residential user at whose dwelling electric or water
4 utility service has been disconnected for lack of payment may request
5 that the irrigation district reconnect service on any day for which
6 the national weather service has issued or has announced that it
7 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 residential user's address is
10 located. The irrigation district shall inform all customers in the
11 notice of disconnection of the ability to seek reconnection and
12 provide clear and specific information on how to make that request,
13 including how to contact the irrigation district.

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

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

36 (c) On an annual basis, each irrigation district with more than
37 25,000 retail electric customers or 2,500 water customers in
38 Washington must submit a report to the department of commerce that
39 includes the total number of disconnections that occurred on each day
40 for which the national weather service issued, or announced that it

1 intended to issue, a heat-related alert. Irrigation districts with
2 fewer than 25,000 retail electric customers or 2,500 water customers
3 in Washington must provide similar information upon request by the
4 department.

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

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

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

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

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

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

24 (2) Maintain the structural components including, but not limited
25 to, the roofs, floors, walls, chimneys, fireplaces, foundations, and
26 all other structural components, in reasonably good repair so as to
27 be usable;

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

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

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

1 (6) Provide reasonably adequate locks and furnish keys to the
2 tenant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (b) The information required under this subsection may be
38 provided to a tenant in a multifamily residential building either as
39 a written notice or as a checklist that discloses whether the
40 building has fire safety and protection devices and systems. The

1 checklist shall include a diagram showing the emergency evacuation
2 routes for the occupants.

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

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

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

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

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

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

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

25 A landlord shall not:

26 (1) Deny any tenant the right to sell such tenant's mobile home,
27 manufactured home, or park model within a park, or prohibit, in any
28 manner, any tenant from posting on the tenant's manufactured/mobile
29 home or park model, or on the rented mobile home lot, a commercially
30 reasonable "for sale" sign or any similar sign designed to advertise
31 the sale of the manufactured/mobile home or park model. In addition,
32 a landlord shall not require the removal of the mobile home,
33 manufactured home, or park model from the park because of the sale
34 thereof. Requirements for the transfer of the rental agreement are in
35 RCW 59.20.073. Nothing in this subsection prohibits a landlord from
36 enforcing reasonable rules or restrictions regarding the placement of
37 "for sale" signs on the tenant's manufactured/mobile home or park
38 model, or on the rented mobile home lot, if (a) the main purpose of
39 the rules or restrictions is to protect the safety of park tenants or

1 residents and (b) the rules or restrictions comply with RCW
2 59.20.045. The landlord may restrict the number of "for sale" signs
3 on the lot to two and may restrict the size of the signs to conform
4 to those in common use by home sale businesses;

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

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

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

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

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

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

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

1 (d) Participation or membership in any homeowners association or
2 group;

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

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

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

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

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

1 the tenant's monthly income. If assistance payments are received by
2 the tenant subsequent to implementation of the plan, the tenant shall
3 contact the landlord to reformulate the plan.

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

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

--- END ---