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**SUBSTITUTE SENATE BILL 6414**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Stanford and Dhingra)

1 AN ACT Relating to waiving utility connection charges for certain  
2 properties; amending RCW 23.86.400, 24.06.600, 36.94.140, 54.24.080,  
3 and 35.92.380; adding a new section to chapter 35.92 RCW; and adding  
4 a new section to chapter 80.28 RCW.

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

6 **Sec. 1.** RCW 23.86.400 and 1996 c 32 s 1 are each amended to read  
7 as follows:

8 (1) (~~(As used in this section:)~~) The definitions in this  
9 subsection apply throughout this section unless the context clearly  
10 requires otherwise.

11 (a) "Attachment" means the affixation or installation of any  
12 wire, cable or other physical material capable of carrying electronic  
13 impulses or light waves for the carrying of intelligence for  
14 telecommunications or television, including, but not limited to  
15 cable, and any related device, apparatus, or auxiliary equipment upon  
16 any pole owned or controlled in whole or in part by one or more  
17 locally regulated utilities where the installation has been made with  
18 the necessary consent.

19 (b) "Locally regulated utility" means an electric service  
20 cooperative organized under this chapter and not subject to rate or  
21 service regulation by the utilities and transportation commission.

1 (c) "Nondiscriminatory" means that pole owners may not  
2 arbitrarily differentiate among or between similar classes of persons  
3 approved for attachments.

4 (d) "Domestic violence" has the same meaning as defined in RCW  
5 70.123.020.

6 (e) "Emergency shelter" means any facility funded in whole or in  
7 part by state capital or operating dollars, programs of the housing  
8 finance commission, housing authorities, or local government housing  
9 funds, the sole purpose of which is to provide a  
10 temporary shelter for the homeless and which does not require  
11 occupants to sign leases or occupancy agreements.

12 (f) "Homeless" means persons, including families who, for one  
13 particular day or night, do not have a safe shelter or sufficient  
14 funds to purchase or rent a place to stay.

15 (2) All rates, terms, and conditions made, demanded or received  
16 by a locally regulated utility for attachments to its poles must be  
17 just, reasonable, nondiscriminatory and sufficient. A locally  
18 regulated utility shall levy attachment space rental rates that are  
19 uniform for the same class of service within the locally regulated  
20 utility service area.

21 (3) Nothing in this section shall be construed or is intended to  
22 confer upon the utilities and transportation commission any authority  
23 to exercise jurisdiction over locally regulated utilities.

24 (4) In counties or cities that have declared a homelessness  
25 emergency, a locally regulated utility must waive connection charges  
26 for properties used by a nonprofit organization, local agency, or any  
27 other legal entity that provides emergency shelters for homeless  
28 persons or victims of domestic violence who are homeless for personal  
29 safety reasons.

30 **Sec. 2.** RCW 24.06.600 and 1996 c 32 s 2 are each amended to read  
31 as follows:

32 (1) ~~((As used in this section:))~~ The definitions in this  
33 subsection apply throughout this section unless the context clearly  
34 requires otherwise.

35 (a) "Attachment" means the affixation or installation of any  
36 wire, cable or other physical material capable of carrying electronic  
37 impulses or light waves for the carrying of intelligence for  
38 telecommunications or television, including, but not limited to  
39 cable, and any related device, apparatus, or auxiliary equipment upon

1 any pole owned or controlled in whole or in part by one or more  
2 locally regulated utilities where the installation has been made with  
3 the necessary consent.

4 (b) "Locally regulated utility" means (~~(an—[a])~~) a mutual  
5 corporation organized under this chapter for the purpose of providing  
6 utility service and not subject to rate or service regulation by the  
7 utilities and transportation commission.

8 (c) "Nondiscriminatory" means that pole owners may not  
9 arbitrarily differentiate among or between similar classes of persons  
10 approved for attachments.

11 (d) "Domestic violence" has the same meaning as defined in RCW  
12 70.123.020.

13 (e) "Emergency shelter" means any facility funded in whole or in  
14 part by state capital or operating dollars, programs of the housing  
15 finance commission, housing authorities, or local government housing  
16 funds, the sole purpose of which is to provide a  
17 temporary shelter for the homeless and which does not require  
18 occupants to sign leases or occupancy agreements.

19 (f) "Homeless" means persons, including families who, for one  
20 particular day or night, do not have a safe shelter or sufficient  
21 funds to purchase or rent a place to stay.

22 (2) All rates, terms, and conditions made, demanded or received  
23 by a locally regulated utility for attachments to its poles must be  
24 just, reasonable, nondiscriminatory and sufficient. A locally  
25 regulated utility shall levy attachment space rental rates that are  
26 uniform for the same class of service within the locally regulated  
27 utility service area.

28 (3) Nothing in this section shall be construed or is intended to  
29 confer upon the utilities and transportation commission any authority  
30 to exercise jurisdiction over locally regulated utilities.

31 (4) In counties or cities that have declared a homelessness  
32 emergency, a locally regulated utility must waive connection charges  
33 for properties used by a nonprofit organization, local agency, or any  
34 other legal entity that provides emergency shelters for homeless  
35 persons or victims of domestic violence who are homeless for personal  
36 safety reasons.

37 NEW SECTION. Sec. 3. A new section is added to chapter 35.92  
38 RCW to read as follows:

1 (1) In counties or cities that have declared a homelessness  
2 emergency, municipal utilities formed under this chapter must waive  
3 connection charges for properties used by a nonprofit organization,  
4 local agency, or any other legal entity that provides emergency  
5 shelters for homeless persons or victims of domestic violence who are  
6 homeless for personal safety reasons.

7 (2) The definitions in this subsection apply throughout this  
8 section unless the context clearly requires otherwise.

9 (a) "Domestic violence" has the same meaning as defined in RCW  
10 70.123.020.

11 (b) "Emergency shelter" means any facility funded in whole or in  
12 part by state capital or operating dollars, programs of the housing  
13 finance commission, housing authorities, or local government housing  
14 funds, the sole purpose of which is to provide a  
15 temporary shelter for the homeless and which does not require  
16 occupants to sign leases or occupancy agreements.

17 (c) "Homeless" means persons, including families who, for one  
18 particular day or night, do not have a safe shelter or sufficient  
19 funds to purchase or rent a place to stay.

20 **Sec. 4.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to  
21 read as follows:

22 (1) Every county, in the operation of a system of sewerage and/or  
23 water, shall have full jurisdiction and authority to manage,  
24 regulate, and control it. Except as provided in subsection (3) of  
25 this section, every county shall have full jurisdiction and authority  
26 to fix, alter, regulate, and control the rates and charges for the  
27 service and facilities to those to whom such service and facilities  
28 are available, and to levy charges for connection to the system.

29 (2) The rates for availability of service and facilities, and  
30 connection charges so charged must be uniform for the same class of  
31 customers or service and facility. In classifying customers served,  
32 service furnished or made available by such system of sewerage and/or  
33 water, or the connection charges, the county legislative authority  
34 may consider any or all of the following factors:

35 (a) The difference in cost of service to the various customers  
36 within or without the area;

37 (b) The difference in cost of maintenance, operation, repair and  
38 replacement of the various parts of the systems;

1 (c) The different character of the service and facilities  
2 furnished various customers;

3 (d) The quantity and quality of the sewage and/or water delivered  
4 and the time of its delivery;

5 (e) Capital contributions made to the system or systems,  
6 including, but not limited to, assessments;

7 (f) The cost of acquiring the system or portions of the system in  
8 making system improvements necessary for the public health and  
9 safety;

10 (g) The nonprofit public benefit status, as defined in RCW  
11 24.03.490, of the land user; and

12 (h) Any other matters which present a reasonable difference as a  
13 ground for distinction.

14 (3) The rate a county may charge under this section for storm or  
15 surface water sewer systems or the portion of the rate allocable to  
16 the storm or surface water sewer system of combined sanitary sewage  
17 and storm or surface water sewer systems shall be reduced by a  
18 minimum of ten percent for any new or remodeled commercial building  
19 that utilizes a permissive rainwater harvesting system. Rainwater  
20 harvesting systems shall be properly sized to utilize the available  
21 roof surface of the building. The jurisdiction shall consider rate  
22 reductions in excess of ten percent dependent upon the amount of  
23 rainwater harvested.

24 (4) A county may provide assistance to aid low-income persons in  
25 connection with services provided under this chapter.

26 (5) The service charges and rates shall produce revenues  
27 sufficient to take care of the costs of maintenance and operation,  
28 revenue bond and warrant interest and principal amortization  
29 requirements, and all other charges necessary for the efficient and  
30 proper operation of the system.

31 (6) A connection charge under this section for service to a  
32 manufactured housing community, as defined in RCW 59.20.030, applies  
33 to an individual lot within that community only if the system of  
34 water or sewerage provides and maintains the connection.

35 (7) A county that has declared a homelessness emergency must  
36 waive connection charges under this section for properties used by a  
37 nonprofit organization, local agency, or any other legal entity that  
38 provides emergency shelters for homeless persons or victims of  
39 domestic violence who are homeless for personal safety reasons.

1 (8) The definitions in this subsection apply throughout this  
2 section unless the context clearly requires otherwise.

3 (a) "Domestic violence" has the same meaning as defined in RCW  
4 70.123.020.

5 (b) "Emergency shelter" means any facility funded in whole or in  
6 part by state capital or operating dollars, programs of the housing  
7 finance commission, housing authorities, or local government housing  
8 funds, the sole purpose of which is to provide a  
9 temporary shelter for the homeless and which does not require  
10 occupants to sign leases or occupancy agreements.

11 (c) "Homeless" means persons, including families who, for one  
12 particular day or night, do not have a safe shelter or sufficient  
13 funds to purchase or rent a place to stay.

14 **Sec. 5.** RCW 54.24.080 and 1995 c 140 s 3 are each amended to  
15 read as follows:

16 (1) The commission of each district which shall have revenue  
17 obligations outstanding shall have the power and shall be required to  
18 establish, maintain, and collect rates or charges for electric energy  
19 and water and other services, facilities, and commodities sold,  
20 furnished, or supplied by the district. The rates and charges shall  
21 be fair and, except as authorized by RCW 74.38.070 and by subsections  
22 (2) and (3) of this section, nondiscriminatory, and shall be adequate  
23 to provide revenues sufficient for the payment of the principal of  
24 and interest on such revenue obligations for which the payment has  
25 not otherwise been provided and all payments which the district is  
26 obligated to set aside in any special fund or funds created for such  
27 purpose, and for the proper operation and maintenance of the public  
28 utility and all necessary repairs, replacements, and renewals  
29 thereof.

30 (2) The commission of a district may waive connection charges for  
31 properties purchased by low-income persons from organizations exempt  
32 from tax under section 501(c)(3) of the federal internal revenue code  
33 as amended prior to the July 23, 1995. Waivers of connection charges  
34 for the same class of electric or gas utility service must be  
35 uniformly applied to all qualified property. Nothing in this  
36 subsection (2) authorizes the impairment of a contract.

37 (3) In establishing rates or charges for water service,  
38 commissioners may in their discretion consider the achievement of

1 water conservation goals and the discouragement of wasteful water use  
2 practices.

3 (4) In counties or cities that have declared a homelessness  
4 emergency, the commission of a district must waive connection charges  
5 for properties used by a nonprofit organization, local agency, or any  
6 other legal entity that provides emergency shelters for homeless  
7 persons or victims of domestic violence who are homeless for personal  
8 safety reasons.

9 (5) The definitions in this subsection apply throughout this  
10 section unless the context clearly requires otherwise.

11 (a) "Domestic violence" has the same meaning as defined in RCW  
12 70.123.020.

13 (b) "Emergency shelter" means any facility funded in whole or in  
14 part by state capital or operating dollars, programs of the housing  
15 finance commission, housing authorities, or local government housing  
16 funds, the sole purpose of which is to provide a  
17 temporary shelter for the homeless and which does not require  
18 occupants to sign leases or occupancy agreements.

19 (c) "Homeless" means persons, including families who, for one  
20 particular day or night, do not have a safe shelter or sufficient  
21 funds to purchase or rent a place to stay.

22 NEW SECTION. Sec. 6. A new section is added to chapter 80.28  
23 RCW to read as follows:

24 (1) In counties or cities that have declared a homelessness  
25 emergency, a gas company, electrical company, wastewater company, or  
26 water company must waive connection charges for properties used by a  
27 nonprofit organization, local agency, or other legal entity that  
28 provides emergency shelters for homeless persons or victims of  
29 domestic violence who are homeless for personal safety reasons.  
30 Expenses and lost revenues as a result of this waiver must be  
31 included in the company's cost of service and recovered in rates to  
32 other customers.

33 (2) The definitions in this subsection apply throughout this  
34 section unless the context clearly requires otherwise.

35 (a) "Domestic violence" has the same meaning as defined in RCW  
36 70.123.020.

37 (b) "Emergency shelter" means any facility funded in whole or in  
38 part by state capital or operating dollars, programs of the housing  
39 finance commission, housing authorities, or local government housing

1 funds, the sole purpose of which is to provide a  
2 temporary shelter for the homeless and which does not require  
3 occupants to sign leases or occupancy agreements.

4 (c) "Homeless" means persons, including families who, for one  
5 particular day or night, do not have a safe shelter or sufficient  
6 funds to purchase or rent a place to stay.

7 **Sec. 7.** RCW 35.92.380 and 1980 c 150 s 1 are each amended to  
8 read as follows:

9 Whenever a city or town waives or delays collection of tap-in  
10 charges, connection fees, or hookup fees for low-income persons, or  
11 class of low-income persons, or an emergency shelter serving homeless  
12 people, to connect to lines or pipes used by the city or town to  
13 provide utility service, the waiver or delay shall be pursuant to a  
14 program established by ordinance. As used in this section, the  
15 provision of "utility service" includes, but is not limited to,  
16 water, sanitary or storm sewer service, electricity, gas, other means  
17 of power, and heat.

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