ORDINANCE NO. 4280

AN ORDINANCE of the City Council of the City of Kent, Washington, replacing Chapter 7.01 of the Kent City Code concerning the billing and collection for utility services, adding an administrative appeal process, and refining the application and approval process for rate reductions under the lifeline program for low-income citizens who are also seniors or disabled.

RECITALS

A. Utilities are collected by the City’s Finance Department in accordance with Chapter 7.01 of the Kent City Code.

B. The lifeline program offers utility rate reductions for those low-income citizens who are also either senior citizens or totally and permanently disabled. The Finance Department has recommended that amendments be made to refine the application process by making it more consistent with surrounding jurisdictions and streamlining the process for applicants and City staff.

C. The Law Department has also recommended codifying an informal appeal process through which customers may challenge perceived billing errors prior to water service being shut-off due to non-payment. Notification of this appeal process will be expressly provided at the time notice of the water shut-off date is provided.
D. The ordinance also makes other housekeeping amendments for clarity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. – Amendment – Ch. 7.01 KCC. Chapter 7.01 of the Kent City Code, entitled “Utility Service Billing”, is hereby repealed and replaced with the following:

CHAPTER 7.01
UTILITY SERVICE BILLING

Sec. 7.01.010. Administration of utility billing. The customer service manager of the city’s finance department shall be responsible for the billing of utility services and the administration and enforcement of utility accounts.

Sec. 7.01.020. Utility service applications. All requests for utility service on established accounts shall be made to the customer service division of the finance department. The request shall be made by the owner or authorized agent of the property where service is requested. For new utility service, the application shall be made to the public works department for approval and then to the customer service division of the finance department. Whenever an application for utility service is made by an agent, the agent shall submit written authority from the property owner authorizing such agent to receive the utility service requested. An acknowledgment that the owner remains legally liable for all service shall be included in this written authority.

Sec. 7.01.030. Utility accounts. All accounts for utility service shall be kept in the name of the property owner. As provided in RCW 35.21.217, a property owner or their designee may request that the
account be billed to tenant or property manager, and may also request that the owner receive a duplicate bill or any notice of a residential tenant’s delinquency. If the city provides a property owner or the owner’s designee with duplicates of residential tenant utility service bills or notice that a tenant’s utility account is delinquent, the city shall notify the tenant that such duplicates have been provided to the owner. However, the owner remains liable for payment of all utility service as provided by law.

**Sec. 7.01.040. Payments received.** All money for the payment of utility bills shall be received by the finance customer service manager or designee.

**Sec. 7.01.050. Utility bills – due date – collection.**

A. **Due date.** All utility bills are due and payable in the office of the finance customer service manager within 15 days after the billing date appearing on the bill. Bills not paid within 21 days of the billing date shall be considered delinquent. If the 21st day falls on a legal holiday, Saturday, or Sunday, the first business day thereafter shall be considered the 21st day.

B. **Delinquency—water or sewerage service.**

1. **Initial delinquency notice.** The city will provide written notice of initial delinquency in the customer’s subsequent monthly utility bill.

2. **Shut-off notice.** When a charge for water service, or sewerage service in accordance with KCC 7.01.050(C), is delinquent and has been provided an initial delinquency notice, water service shall be subject to shut-off upon 7 calendar days’ notice to the customer. The city will provide written notice of pending shut-off to the customer by mail, door hanger, or other form, and a delinquent notice fee in the amount of $10 will be assessed against the account. The notice shall advise the customer of possible shutoff of utility service and the assessment of late payment or related fees added to the utility account if it remains
delinquent. A fee schedule is on file with the customer service division of the finance department.

3. **Multifamily rental units.** As provided in RCW 35.21.217, if an occupied multiple residential rental unit receives utility service through a single utility account, if the utility account’s billing address is not the same as the service address of a residential rental property, or if the city has been notified that a tenant resides at the service address, the city shall make a good faith and reasonable effort to provide written notice to the service address of pending shut-off for nonpayment at least seven calendar days prior to disconnection.

4. **Procedure.** Water shut-off shall occur in accordance with this section and any regulations the finance customer service manager may promulgate consistent with this chapter. The following provisions apply to any shut-off of water service and shall be included in any shut-off notice:
   a. The total payment due on the account to avoid shut-off of water service.
   b. A shut-off charge of $45 will be assessed against all delinquent accounts appearing on the city’s final shut-off report.
   c. Water service may not be restored until full payment of the delinquent account is received, including the shut-off fee.
   d. A utility customer or property owner may appeal any charges included in a utility bill to the finance customer service manager. If an appeal to a water or sewerage bill is received by the customer service manager prior to the water shut-off date identified in the notice, water service will not be turned off during the appeal process. An appeal must be made in writing, must set forth the reasons why the bill is incorrect or otherwise not properly due and owing, and must be delivered to the customer service division of the finance department. The customer service manager should provide written notice of his or her decision on the appeal within 10 business days of the manager’s receipt of the appeal. That decision is final, and no additional appeal is available. If still applicable,

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that decision will identify the date on which water service will be shut-off if the account is not brought current in a manner consistent with the decision.

5. \textit{Notice to property owner}. Whenever water service is in the name of a tenant or property manager, and is subject to shut-off for delinquency, the finance customer service division will attempt to provide a duplicate delinquency notice to the owner of record shown on the account. Although a duplicate delinquent notice may be sent in accordance with this subsection, the $10 delinquent notice charge will not be assessed against the account a second time.

C. \textbf{Sewerage — Delinquency.}

1. \textit{System of sewerage}. Pursuant to RCW 35.67.331 and KCC 7.06.010, the city’s sanitary sewage collection and disposal system (sewage) and the storm and surface water utility (drainage), are combined as a “system of sewerage” as that term is defined in RCW 35.67.010. In addition to the provisions of this chapter, delinquent and unpaid rates and charges for sewage and drainage service shall be subject to Chapter 35.67 RCW and subsection (C)(2) of this section.

2. \textit{Delinquent sewer service rates and charges—Lien and interest.}

   a. When a charge for sewerage service is delinquent, the city shall have a lien for delinquent and unpaid charges, plus penalties, which lien shall be made in accordance with RCW 35.67.210. Liens for sewerage service shall be effective for a period not to exceed 12 months of delinquent charges without the necessity of any writing or recording. In order to make such a lien effective for more than 12 months, the finance customer service manager shall file for recording in the office of the King County Recorder a notice setting forth the amount of the delinquency, the name of the owner or reputed owner who owes the bill and the description of the lot, tract or parcel to which such lien shall attach. For each lien recorded or released, the city shall assess against the sewerage account a

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fee in accordance with the fee schedule on file with the customer service division as payment of the city’s costs incurred in preparing and recording each lien or lien release. This fee is in addition to the actual fees charged to the city by King County to record or release a lien, which fees will also be assessed against the account. This lien may be foreclosed in an action filed in superior court pursuant to RCW 35.67.220.

b. Interest may be added to any delinquent and unpaid charge for sewer service in the maximum amount allowed by RCW 35.67.200.

3. **Alternate collection procedure for delinquent sewerage service—Water shut-off.** As an additional method of collecting the delinquent charges and concurrent method of enforcing the lien authorized by RCW 35.67.200, and in accordance with the provisions of KCC 7.01.050, the city may shut-off water service to the premises to which such sewerage service was furnished until the charges are paid and the delinquent account is brought current. The right to enforce the lien by cutting off and refusing water service shall be exercised in accordance with Chapter 35.67 RCW.

**Sec. 7.01.060. Remedies cumulative.** The remedies set forth in KCC 7.01.050 are not meant to be exclusive and the city may use any alternate method of collecting delinquent charges that is available under common law or the laws of the state.

**Sec. 7.01.070. Lifeline utility rate.** A utility rate reduction is available to low-income citizens who are 62 years of age or older, are unable to work due to a total and permanent disability, or provide care to their child that has a total and permanent disability.

A. **Definitions.**

1. For purposes of this section, “low-income” means a household of one (1) or more individuals, the adjusted gross personal income for which all individuals living in the household does not exceed the income

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limits set annually by the federal Department of Housing and Urban Development ("HUD") for housing assistance in Kent.

2. For purposes of this section, "disabled" means a person who has been determined to be permanently and totally disabled as defined by the Social Security Administration and who receives social security benefits or any other benefits for that disability from any governmental source.

B. **Limitations.** The following limitations apply to the lifeline utility rate program:

1. The rate reduction shall only apply to utility charges for service to residences served by a separate city meter. The residence for which the rate reduction is requested must be the applicant’s principal place of residence.

2. The utility account must be in the name of the applicant, the applicant’s spouse, or the applicant’s landlord. Where the utility account is in the name of the applicant’s landlord, the applicant may be required to provide proof of tenancy at the property.

3. No person may claim a rate reduction for more than one dwelling unit during the same billing period.

4. Only one rate reduction per utility will be given for each property.

C. **Application process.** To qualify for the lifeline rate reduction, persons eligible under this section must file an application with the customer service division of the city’s finance department. Applications may be made on behalf of a senior citizen by a family member or an authorized representative, and applications based on a permanent and total disability may be made on behalf of a child by a parent, legal guardian, or other authorized representative. The customer service manager may require applications and accompanying documentation to be submitted annually.
D. **Processing and approval.** Determination of eligibility shall be made by the city’s customer service manager, or his or her designee, based upon the information given in the eligible customer’s application. The customer service manager may determine acceptable forms of proof of tenancy, income, or disability, and such forms may include, but are not limited to, tax documents and social security documents. If timely received, and upon approval of the application, the applicant’s household will receive the reduced utility rate for water and sewerage utilities beginning the first day of the month following approval.

**SECTION 2.** - **Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 3.** - **Savings.** The existing Chapter 7.01 of the Kent City Code, which is repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

**SECTION 4.** - **Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 5.** - **Effective Date.** This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

\[\text{Date Approved}\]

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ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

ARTHUR “PAT” FITZPATRICK, CITY ATTORNEY

Date Adopted
6/19/18

Date Published
6/22/18

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