

City of Wendell

Date: January 29, 2025

Re: **Utility Billing and Lien Obligations**

Dear Customer or Resident:

A recent Idaho Supreme Court decision has clarified the ability of a city to bill property owners for utility services and to place a lien when timely payment is not made for those services.¹ Like other Idaho cities, Wendell has been impacted by the increased costs caused by the nonpayment utility services.

Wendell will continue its current practice of requiring the written consent of a property owner before providing utility services to real property. It adopted this practice 2005 through Wendell City Code 7-3-11(B). In light of the recent court case, the city has revised that section to clarify a property owner's responsibility and to provide the option for a tenant to be billed directly for utility services.

Wendell will also continue its current policy to allow the placement of a lien on real property for failure to make timely payment for utilities. That policy began in 2013 with Wendell City Code 7-3-14. Due to the recent court case, that section has been updated to provide additional details about the City's ability to place a lien under Idaho Code § 50-1008.

The City's new Ordinance and Resolution regarding utility billing applies to all property owners in the City. They establish a more formal utility billing process between the City and its customers based on a signed agreement.

To comply with Resolution 210-2025, all property owners who lease or rent their property to a tenant must complete a **Property Owner/Guarantor Application for City Services** in conjunction with the tenant's application to request services for city utilities. This is required with each new renter. Completion of these applications will allow the City to proactively address unpaid balances and significantly reduce the impacts of unpaid bills on all customers.

The City appreciates your prompt attention to this matter. If you have any questions, please do not hesitate to call the City at (208) 536-5161.

¹ *Von Wandruszka v. City of Moscow*, Docket No. 50471/50472 filed August 19, 2024.