

HOUSE BILL 416

L5

8lr0894

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: January 24, 2018
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Water Leakage – Billing**

3 **PG/MC 107–18**

4 FOR the purpose of requiring the Washington Suburban Sanitary Commission to notify an
5 account holder within a certain number of days after determining a certain increase
6 in water usage during a certain period; requiring the Commission to waive billing
7 and collection of a certain amount of water usage due to a certain leakage if the
8 account holder repairs the leak within a certain number of days under certain
9 conditions; and generally relating to the Washington Suburban Sanitary
10 Commission and water service in the sanitary district.

11 BY repealing and reenacting, with amendments,
12 Article – Public Utilities
13 Section 25–504
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2017 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Public Utilities**

19 25–504.

20 (a) The Commission:

21 (1) may provide for the billing and collection of the water and sewer usage
22 charges on an estimated basis for periods of 6 months or less, based on the historical daily
23 average consumption calculated from actual previous usage;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) shall read the meter at least once every 6 months; and

2 (3) (i) shall base the final bill for the 6-month period on the actual
3 consumption adjusted by previous estimates, if the meter had not been read because it was
4 inaccessible;

5 (ii) shall base the final bill for the 6-month period on the historical
6 daily average consumption, calculated from actual previous usage, if a final reading cannot
7 be made because:

8 1. the meter malfunctioned;

9 2. the meter had been taken out of service for repairs,
10 maintenance, or water system relining purposes; or

11 3. there was theft of service;

12 (iii) may modify the historical daily average consumption calculation
13 based on appropriate evidence submitted by the owner; and

14 (iv) may not base a final bill on estimated usage for two consecutive
15 6-month periods.

16 **(B) (1) IF THE WATER USAGE FOR AN ACCOUNT INCREASES BY AT LEAST**
17 **40% OVER THE USAGE DURING THE IMMEDIATELY PRECEDING BILLING PERIOD,**
18 **THE COMMISSION SHALL NOTIFY THE ACCOUNT HOLDER WITHIN 2 BUSINESS DAYS**
19 **AFTER DETERMINING THE INCREASE.**

20 **(2) IF THE INCREASE IS DUE TO A WATER LEAK ON THE ACCOUNT**
21 **HOLDER'S PROPERTY, AND THE ACCOUNT HOLDER REPAIRS THE LEAK WITHIN 15**
22 **DAYS AFTER RECEIVING NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
23 **COMMISSION SHALL WAIVE BILLING AND COLLECTION FOR THE AMOUNT OF WATER**
24 **USAGE THAT EXCEEDS THE USAGE BASED ON HISTORICAL DAILY AVERAGE**
25 **CONSUMPTION FOR THE PERIOD AFTER THE LAST METER READING.**

26 **[(b)] (C) (1)** The Commission shall bill for the amount of water and sewer
27 usage charges to each property served monthly, every other month, four times a year, or
28 twice a year, as the Commission determines.

29 (2) On receipt each bill is payable to the Commission.

30 **[(c)] (D) (1)** A late payment charge of 5% of the unpaid charges shall be added
31 and collected as part of the bill if:

32 (i) the Commission sends out a bill for water and sewer usage
33 charges in the regular course of business;

1 (ii) for a service period of less than 3 months, the bill is not paid 20
2 days from the date of sending; or

3 (iii) for a service period of 3 months or more, the bill is not paid 30
4 days from the date of sending.

5 (2) The late payment charge is in addition to and not in substitution for or
6 derogation of any other right or remedy granted to the Commission by any other law.

7 **[(d)] (E)** (1) If a bill is not paid within 30 days after the date of sending, after
8 leaving written notice on the premises or mailing notice to the owner's last known address,
9 the Commission shall turn off the water to the property.

10 (2) The water may not be turned on again until the bill, any late payment
11 penalty charges as authorized by law, and the cost incurred in shutting off and restoring
12 the water supply are paid.

13 **[(e)] (F)** If a bill is not paid within 60 days after the date of sending, the bill shall
14 be collected against the owner of the property served in the same manner as other debts
15 are collected in Montgomery County and Prince George's County.

16 **[(f)] (G)** (1) This subsection applies only to property subject to a
17 condominium regime established under Title 11 of the Real Property Article.

18 (2) Notwithstanding any other law, if the Commission directly bills the
19 governing body of a condominium or a person designated by the governing body of a
20 condominium for water or sewer usage charges for all or a portion of the units in a
21 condominium property, and a charge is in default for at least 60 days, the Commission shall
22 post notice conspicuously at or near the entry to the common area of the condominium.

23 (3) The Commission may enter onto the common area of a condominium
24 property at a reasonable time to post the notice required under this subsection.

25 **[(g)] (H)** The provisions of subsections **[(b), (d),] (C), (e), [and] (f), AND (G)** of
26 this section that relate solely to sewer usage charges may not be construed to invalidate an
27 existing contract between the Commission and a municipality located in the sanitary
28 district without the consent of the municipality.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2018.