Unofficial Copy L4 1999 Regular Session 9lr0485

By: Montgomery County and Prince George's County Delegations

Introduced and read first time: February 11, 1999 Assigned to: Commerce and Government Matters

A BILL ENTITLED

4	A 3 T		•
1	AN	ACT	concerning

2	Washington Suburban Sanitary Commission - Water and Sewer Charges -
3	Credits
4	MC/PG 18-99

- 5 FOR the purpose of requiring the Washington Suburban Sanitary Commission
 - (WSSC) to grant a credit against certain water and sewer usage charges to
- 7 certain property owners in order to offset the cost of certain front foot benefit
- 8 assessments charged under certain circumstances; establishing a limit on the
- 9 amount of the credit that may be granted; authorizing the WSSC to schedule the
- 10 credit against certain water and sewer usage charges in a certain manner;
- providing that the WSSC may subrogate to certain rights of certain property
- owners; providing for the application of this Act; and generally relating to the
- WSSC and the granting of a credit against water and sewer usage charges to
- offset the cost of certain front foot benefit assessments imposed without the
- 15 required notice.
- 16 BY adding to

6

- 17 Article 29 Washington Suburban Sanitary District
- 18 Section 6-111(h)
- 19 Annotated Code of Maryland
- 20 (1997 Replacement Volume and 1998 Supplement)
- 21 BY repealing and reenacting, without amendments,
- 22 Article Real Property
- 23 Section 14-117(b) and (c)
- 24 Annotated Code of Maryland
- 25 (1996 Replacement Volume and 1998 Supplement)
- 26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 27 MARYLAND, That the Laws of Maryland read as follows:

1

Article 29 - Washington Suburban Sanitary District

2 6-111.

- 3 (H) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A (1)
- 4 PROPERTY OWNER WAS ENTITLED TO BUT DID NOT RECEIVE NOTICE REGARDING
- 5 DEFERRED WATER AND SEWER CHARGES AS AN INITIAL PURCHASE UNDER §
- 6 14-117(B) OF THE REAL PROPERTY ARTICLE, THE WSSC SHALL GRANT A CREDIT
- 7 AGAINST THE WATER AND SEWER USAGE CHARGES OF THE PROPERTY OWNER IN
- 8 ORDER TO OFFSET THE COST OF FRONT FOOT BENEFIT ASSESSMENTS IMPOSED TO
- 9 PAY FOR SUBDIVISION LINES SERVING RESIDENTIAL PROPERTY THAT WERE
- 10 INSTALLED BY THE DEVELOPER OF THE PROPERTY UNDER AN AGREEMENT WITH
- 11 THE WSSC ENTERED INTO BEFORE JULY 1, 1999.
- 12 A CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT
- 13 EXCEED THE AMOUNT OF DAMAGES A PROPERTY OWNER IS ENTITLED TO RECOVER
- 14 IN AN ACTION UNDER § 14-117(B) AND (C) OF THE REAL PROPERTY ARTICLE.
- 15 THE WSSC MAY SCHEDULE THE CREDIT AGAINST WATER AND SEWER (3)
- 16 USAGE CHARGES IN A MANNER INTENDED TO OFFSET THE COST TO THE PROPERTY
- 17 OWNER IN PAYING THE FRONT FOOT BENEFIT ASSESSMENTS CHARGED WITHOUT
- 18 THE REQUIRED NOTICE.
- 19 IF THE WSSC GRANTS A CREDIT UNDER PARAGRAPH (1) OF THIS
- 20 SUBSECTION, THE WSSC MAY BRING AN ACTION AGAINST THE THIRD PARTY LIABLE
- 21 UNDER § 14-117(B) AND (C) OF THE REAL PROPERTY ARTICLE.

22 **Article - Real Property**

23 14-117.

- 24 (b) A contract for the initial sale of improved, residential real property to a
- 25 member of the public who intends to occupy or rent the property for residential
- 26 purposes shall disclose the estimated cost, as established by the appropriate water
- 27 and sewer authority, of any deferred water and sewer charges for which the purchaser
- 28 may become liable. If the appropriate water and sewer authority has not established
- 29 a schedule of charges for the water and sewer project that benefits the property or if
- 30 a local jurisdiction has adopted a plan to benefit the property in the future, the
- 31 contract of sale shall disclose that fact.
- 32 Violation of subsection (b) of this section entitles the initial purchaser to (c)
- 33 recover from the seller:
- 34 Two times the amount of deferred charges the purchaser would be
- 35 obligated to pay during the 5 years of payments following the sale;
- 36 No amount greater than actually paid thereafter; and (2)
- 37 Any deposit moneys actually paid by the purchaser that were lost as (3)
- 38 a result of violation of subsection (b) of this section.

- 1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
- 2 construed retroactively and shall be applied to and interpreted to apply to front foot
- 3 benefit assessments for subdivision lines and related infrastructure installed by a
- 4 developer of property under an agreement with the Washington Suburban Sanitary
- 5 Commission if the property owner did not receive notice concerning the assessments
- 6 as required by § 14-117(b) of the Real Property Article.
- 7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 July 1, 1999.