

SENATE BILL 202

L5, C5

9lr1491
CF 9lr0835

By: **Senators Pinsky and Rosapepe**

Introduced and read first time: January 23, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 **MC/PG 113–19**

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 that the notice required under this
7 Act contain certain information, including information regarding a free inspection
8 under certain circumstances; requiring an account holder to repair a water leak
9 outside or inside the account holder’s home within a certain period; requiring the
10 Commission to pay certain charges for a certain amount of water usage if the account
11 holder repairs a water leak outside the account holder’s home within a certain period;
12 requiring the Commission to waive a certain portion of the billing and collection
13 charges of a certain amount of water usage due to a water leak inside the account
14 holder’s home if the account holder repairs the leak within a certain period; and
15 generally relating to the Washington Suburban Sanitary Commission and water
16 service in the sanitary district.

17 BY repealing and reenacting, with amendments,
18 Article – Public Utilities
19 Section 25–504
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2018 Supplement)

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

24 **Article – Public Utilities**

25 25–504.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The Commission:

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

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

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

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

12 1. the meter malfunctioned;

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

15 3. there was theft of service;

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

18 (iv) may not base a final bill on estimated usage for two consecutive
19 6-month periods.

20 **(B) (1) (I) IF THE WATER USAGE FOR AN ACCOUNT INCREASES BY AT
21 LEAST 200% OVER THE USAGE DURING THE IMMEDIATELY PRECEDING BILLING
22 PERIOD, THE COMMISSION SHALL NOTIFY THE ACCOUNT HOLDER WITHIN 7
23 BUSINESS DAYS AFTER DETERMINING THE INCREASE.**

24 **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
25 PARAGRAPH SHALL:**

26 **1. DIRECT THE ACCOUNT HOLDER TO CONTACT THE
27 COMMISSION BY TELEPHONE; AND**

28 **2. INFORM THE ACCOUNT HOLDER THAT, AFTER THE
29 ACCOUNT HOLDER CONTACTS THE COMMISSION AS DIRECTED UNDER ITEM 1 OF
30 THIS SUBPARAGRAPH, A FREE INSPECTION WILL BE PERFORMED IF THE
31 COMMISSION IS NOT ABLE TO IDENTIFY THE REASON FOR THE INCREASED USAGE
32 BASED ON THE INFORMATION PROVIDED IN THE TELEPHONE CALL.**

1 **(2) (I) IF THE INCREASE IN WATER USAGE IS DUE TO A WATER LEAK**
2 **IDENTIFIED OUTSIDE OR INSIDE THE ACCOUNT HOLDER’S HOME, THE ACCOUNT**
3 **HOLDER SHALL REPAIR THE LEAK WITHIN 30 DAYS AFTER THE LEAK IS IDENTIFIED.**

4 **(II) IF THE ACCOUNT HOLDER REPAIRS THE LEAK IN**
5 **ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION**
6 **SHALL:**

7 **1. FOR A WATER LEAK IDENTIFIED OUTSIDE THE**
8 **ACCOUNT HOLDER’S HOME, PAY THE BILLING AND COLLECTION CHARGES FOR THE**
9 **AMOUNT OF WATER USAGE THAT EXCEEDS THE USAGE BASED ON HISTORICAL DAILY**
10 **AVERAGE CONSUMPTION FOR THE PERIOD AFTER THE LAST METER READING; AND**

11 **2. FOR A WATER LEAK IDENTIFIED INSIDE THE ACCOUNT**
12 **HOLDER’S HOME, WAIVE 50% OF THE BILLING AND COLLECTION CHARGES FOR THE**
13 **AMOUNT OF WATER USAGE THAT EXCEEDS THE USAGE BASED ON HISTORICAL DAILY**
14 **AVERAGE CONSUMPTION FOR THE PERIOD AFTER THE LAST METER READING.**

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

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

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

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

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

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

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

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

32 **(2)** The water may not be turned on again until the bill, any late payment
33 penalty charges as authorized by law, and the cost incurred in shutting off and restoring

1 the water supply are paid.

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2019.