

HB0872/133428/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 872
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “in” and substitute “Near”; in line 3, after “**Districts**” insert “**and Neighborhood Centers**”; and in lines 8 and 9, strike “a regional transit district” and substitute “a certain distance of a certain mass transit rail station and a regional transit district or neighborhood center”.

AMENDMENT NO. 2

On page 1, in line 22, after “(a)” insert:

“(1) IN THIS SECTION, “BORDER PROPERTY” MEANS PROPERTY THAT:

(I) IS LOCATED:

1. ON A BOUNDARY LINE WITH THE DISTRICT OF COLUMBIA; AND

2. WITHIN ONE-HALF MILE OF:

A. A REGIONAL TRANSIT DISTRICT OR NEIGHBORHOOD CENTER IN PRINCE GEORGE’S COUNTY; AND

B. AN EXISTING MASS TRANSIT RAIL STATION THAT IS OPERATED BY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY;

(II) LACKS FRONTAGE ON A RIGHT-OF-WAY IN PRINCE GEORGE’S COUNTY TO CONNECT WATER SERVICE, SEWER SERVICE, OR WATER AND SEWER SERVICE;

(III) QUALIFIES AS AN EXPEDITED TRANSIT-ORIENTED DEVELOPMENT PROJECT UNDER THE ZONING LAWS OF THE COUNTY; AND

(IV) OBTAINED SITE PLAN APPROVAL IN THE COUNTY ON OR AFTER JANUARY 1, 2021, BUT BEFORE JANUARY 1, 2023.

(2) "BORDER PROPERTY" INCLUDES ANY PROPERTY, REGARDLESS OF THE DATE OF SITE PLAN APPROVAL OR SITE PLAN REVISION, THAT IS:

(I) ADJACENT TO A PROPERTY THAT OBTAINED SITE APPROVAL UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION; AND

(II) OWNED BY THE SAME ENTITY THAT OWNS THE PROPERTY THAT OBTAINED SITE APPROVAL UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION.

(B)".

On page 2, in line 6, after "(ii)" insert "FOR SYSTEMS LOCATED IN BORDER PROPERTIES, THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY;

(III)";

in line 8, strike "(iii)" and substitute "(IV)"; in lines 10 and 16, strike "(b)" and "(C)", respectively, and substitute "(C)" and "(D)", respectively; in line 16, strike "THE" and substitute "NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE"; in line 19, after "BY" insert "AUTHORIZING"; and in line 20, after "AUTHORITY" insert "TO PROVIDE WATER

SERVICE, SEWER SERVICE, OR WATER AND SEWER SERVICE TO A BORDER PROPERTY.

(2) ANY CONTRACT ENTERED INTO UNDER THIS SUBSECTION BETWEEN THE COMMISSION AND THE DISTRICT OF COLUMBIA OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY SHALL:

(I) ALLOCATE THE MAINTENANCE COSTS OF THE WATER SUPPLY, SEWER, OR DRAINING SYSTEM;

(II) ALLOCATE BILLING AND COLLECTION RESPONSIBILITIES;

(III) REQUIRE MULTIFAMILY HOUSING UNITS SERVED UNDER THE CONTRACT TO USE MASTER METERS;

(IV) NOTWITHSTANDING § 25-501(B)(2) OF THIS DIVISION, PROVIDE FOR A SERVICE RATE SETTING PROCEDURE FOR WATER SERVICE AND SEWER SERVICE THAT ARE BASED ON THE AMOUNT OF WATER USED;

(V) PROVIDE NOTICE OF THE COMMISSION'S AUTHORITY TO:

1. CHARGE THE ACCOUNT OF EACH CUSTOMER SERVED UNDER THE CONTRACT:

A. THE MINIMUM OR READY TO SERVE CHARGES SET BY THE COMMISSION UNDER § 25-502 OF THIS DIVISION;

B. A FEE THAT ACCOUNTS FOR ANY ADDITIONAL OPERATIONAL COSTS THAT THE COMMISSION MAY INCUR IN CARRYING OUT THE DUTIES UNDER A CONTRACT ENTERED INTO UNDER THIS SECTION IF THOSE DUTIES ARE NOT REQUIRED FOR OTHER CUSTOMER ACCOUNTS WITHIN THE SANITARY DISTRICT, AS DEFINED IN § 16-101 OF THIS ARTICLE; AND

(Over)

C. ANY OTHER FEE REQUIRED BY STATE LAW, INCLUDING THE BAY RESTORATION FEE UNDER § 9-1605.2 OF THE ENVIRONMENT ARTICLE;

2. INSPECT, READ, AND REPLACE METERS AND OTHER EQUIPMENT; AND

3. IN ACCORDANCE WITH THIS DIVISION AND THE REGULATIONS ADOPTED BY THE COMMISSION, TERMINATE THE WATER SERVICE OF A CUSTOMER SERVED UNDER THE CONTRACT;

(VI) REQUIRE THE COMMISSION AND THE DISTRICT OF COLUMBIA OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY TO NOTIFY CUSTOMERS OF ANY HEALTH AND SAFETY ADVISORIES;

(VII) BASED ON A NOTIFICATION SCHEDULE AGREED TO BY THE COMMISSION AND THE DISTRICT OF COLUMBIA OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY, REQUIRE NOTIFICATION TO CUSTOMERS SERVED UNDER THE CONTRACT THAT:

1. THE DISTRICT OF COLUMBIA OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY IS THE PROVIDER OF WATER SERVICE, SEWER SERVICE, OR WATER AND SEWER SERVICE TO THE BORDER PROPERTY;

2. THE COMMISSION IS THE AUTHORIZED BILLING AGENT FOR THE DISTRICT OF COLUMBIA OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY;

3. THE COMMISSION IS AUTHORIZED TO INSPECT, READ, AND REPLACE METERS AND OTHER EQUIPMENT;

4. LATERAL WATER SERVICE AND SEWER LINES ARE THE RESPONSIBILITY OF THE PROPERTY OWNER AND NOT THE COMMISSION, THE

DISTRICT OF COLUMBIA, OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY;

5. THE CUSTOMER MAY BE ABLE TO PARTICIPATE IN A CUSTOMER ASSISTANCE PROGRAM OR AN INDIRECT CUSTOMER ASSISTANCE PROGRAM ESTABLISHED UNDER § 25-501.1 OF THIS DIVISION; AND

6. THE CUSTOMER MAY BE CHARGED HIGHER SERVICE RATES FOR WATER SERVICE AND SEWER SERVICE THAN OTHER COMMISSION CUSTOMERS BECAUSE THE DISTRICT OF COLUMBIA OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY, AND NOT THE COMMISSION, IS THE DIRECT PROVIDER OF WATER SERVICE, SEWER SERVICE, OR WATER AND SEWER SERVICE; AND

(VIII) LIMIT THE ABILITY OF THE COMMISSION, THE DISTRICT OF COLUMBIA, OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY TO REDUCE SERVICES PROVIDED TO A CUSTOMER SERVED UNDER THE CONTRACT.”.

On pages 2 and 3, strike beginning with “FOR” in line 20 on page 2 through the period in line 21 on page 3.

On page 3, in line 22, strike “(D)” and substitute “(E)”; strike in their entirety lines 27 and 28, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to future water and sewer connections and may not be applied or interpreted to have any effect on or application to any existing water and sewer connections or to any contract between the Washington Suburban Sanitary Commission, the District of Columbia Water and Sewer Authority, and the owner of a border property, as defined in § 17-204 of the Public Utilities Article, as enacted by Section 1 of this Act, that existed before the effective date of this Act.”;

and in line 33, after “enacted.” insert “It shall remain effective for a period of 5 years from the date it is enacted and, at the end of the 5-year period, this Act, with no further

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action required by the General Assembly, shall be abrogated and of no further force and effect.”.