

HOUSE BILL 872

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EMERGENCY BILL

3lr2835

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 9, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2023

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Service ~~in~~ Near Regional Transit**
3 **Districts and Neighborhood Centers in Prince George's County – Contracts**

4 **MC/PG 111–23**

5 FOR the purpose of authorizing the Washington Suburban Sanitary Commission to enter
6 into contracts with the District of Columbia or the District of Columbia Water and
7 Sewer Authority for the construction, maintenance, and operation of a water supply,
8 sewer, or drainage system for certain property located within ~~a regional transit~~
9 ~~district~~ a certain distance of a certain mass transit rail station and a regional transit
10 district or neighborhood center in Prince George's County; requiring that a contract
11 entered into under this Act include and address certain items; and generally relating
12 to the Washington Suburban Sanitary Commission and water, sewer, and drainage
13 service in Prince George's County.

14 BY repealing and reenacting, with amendments,
15 Article – Public Utilities
16 Section 17–204
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2022 Supplement)

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

21 **Article – Public Utilities**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 17-204.

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

3 **(i) IS LOCATED:**

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

6 **2. WITHIN ONE-HALF MILE OF:**

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

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

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

14 **(iii) QUALIFIES AS AN EXPEDITED TRANSIT-ORIENTED**
15 **DEVELOPMENT PROJECT UNDER THE ZONING LAWS OF THE COUNTY; AND**

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

18 **(2) “BORDER PROPERTY” INCLUDES ANY PROPERTY, REGARDLESS**
19 **OF THE DATE OF SITE PLAN APPROVAL OR SITE PLAN REVISION, THAT IS:**

20 **(i) ADJACENT TO A PROPERTY THAT OBTAINED SITE APPROVAL**
21 **UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION; AND**

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

24 **(B) (1)** Subject to paragraph (2) of this subsection, the Commission may enter
25 into a contract or agreement concerning the construction, maintenance, and operation of
26 the water supply, sewer, or drainage systems under its control or under the control or
27 ownership of the District of Columbia or any other agency, authority, or commission
28 specified in this section.

29 (2) The Commission may enter into a contract or agreement under
30 paragraph (1) of this subsection with:

1 (i) the District of Columbia;

2 (ii) FOR SYSTEMS LOCATED IN BORDER PROPERTIES, THE
3 DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY;

4 (iii) any federal, state, county, or municipal authority in the State or
5 any other state; or

6 ~~(iii)~~ (iv) any public water, sewer, or drainage commission in the
7 State or any other state.

8 ~~(C)~~ (C) The Commission may contract with, as a primary party or as a
9 subcontractor, or invest in any person for the ownership, joint-venturing, management,
10 operation, supervision, assistance, participation, or any other activity relating to the
11 design, construction, operation, maintenance, or management of water or wastewater
12 systems, including systems, services, expertise, intellectual property, and techniques
13 developed in connection with, or usable or marketable with respect to, water or wastewater
14 systems.

15 ~~(D)~~ (D) (1) THE NOTWITHSTANDING ANY OTHER PROVISION OF LAW
16 AND SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE COMMISSION MAY
17 CONTRACT WITH THE DISTRICT OF COLUMBIA OR THE DISTRICT OF COLUMBIA
18 WATER AND SEWER AUTHORITY CONCERNING THE CONSTRUCTION, MAINTENANCE,
19 AND OPERATION OF A WATER SUPPLY, SEWER, OR DRAINAGE SYSTEM BY
20 AUTHORIZING THE DISTRICT OF COLUMBIA OR THE AUTHORITY TO PROVIDE
21 WATER SERVICE, SEWER SERVICE, OR WATER AND SEWER SERVICE TO A BORDER
22 PROPERTY.

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

26 (i) ALLOCATE THE MAINTENANCE COSTS OF THE WATER
27 SUPPLY, SEWER, OR DRAINAGE SYSTEM;

28 (ii) ALLOCATE BILLING AND COLLECTION RESPONSIBILITIES;

29 (iii) REQUIRE MULTIFAMILY HOUSING UNITS SERVED UNDER
30 THE CONTRACT TO USE MASTER METERS;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 4. LATERAL WATER SERVICE AND SEWER LINES ARE THE
 2 RESPONSIBILITY OF THE PROPERTY OWNER AND NOT THE COMMISSION, THE
 3 DISTRICT OF COLUMBIA, OR THE DISTRICT OF COLUMBIA WATER AND SEWER
 4 AUTHORITY;

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

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

14 (VIII) LIMIT THE ABILITY OF THE COMMISSION, THE DISTRICT OF
 15 COLUMBIA, OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY TO
 16 REDUCE SERVICES PROVIDED TO A CUSTOMER SERVED UNDER THE CONTRACT. ~~FOR~~
 17 PROPERTY THAT:

18 (I) ~~IS LOCATED:~~

19 1. ~~WITHIN A REGIONAL TRANSIT DISTRICT IN PRINCE~~
 20 ~~GEORGE'S COUNTY;~~

21 2. ~~ON A BOUNDARY LINE WITH THE DISTRICT OF~~
 22 ~~COLUMBIA; AND~~

23 3. ~~WITHIN ONE HALF MILE OF AN EXISTING MASS~~
 24 ~~TRANSIT RAIL STATION THAT IS OPERATED BY THE WASHINGTON METROPOLITAN~~
 25 ~~AREA TRANSIT AUTHORITY;~~

26 (H) ~~QUALIFIES AS AN EXPEDITED TRANSIT-ORIENTED~~
 27 ~~DEVELOPMENT PROJECT UNDER THE ZONING LAWS OF THE COUNTY;~~

28 (HH) ~~HAS OBTAINED SITE PLAN APPROVAL IN THE COUNTY; AND~~

29 (IV) ~~LACKS FRONTAGE ON A COUNTY RIGHT-OF-WAY FOR~~
 30 ~~WATER OR SEWER CONNECTION.~~

~~(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 CONSTRUCTION AND MAINTENANCE COSTS AND BILLING AND COLLECTION RESPONSIBILITIES;~~

~~(II) INCLUDE RATE SETTING PROCEDURES AND A NOTICE THAT THE RATES MAY NOT EXCEED THE ACTUAL COSTS OF SERVICE INCURRED BY THE COMMISSION OR THE DISTRICT OF COLUMBIA OR THE AUTHORITY;~~

~~(III) INCLUDE A NOTICE OF THE COMMISSION'S AUTHORITY TO INSPECT METERS AND EQUIPMENT;~~

~~(IV) REQUIRE THE COMMISSION AND THE DISTRICT OF COLUMBIA OR THE AUTHORITY TO NOTIFY CUSTOMERS OF HEALTH AND SAFETY ADVISORIES;~~

~~(V) INCLUDE A STATEMENT SPECIFYING THE LEGAL AUTHORITY TO ESTABLISH PROGRAMS TO ASSIST LOW INCOME CUSTOMERS; AND~~

~~(VI) LIMIT THE ABILITY OF THE COMMISSION OR THE DISTRICT OF COLUMBIA OR THE AUTHORITY TO REDUCE SERVICES PROVIDED TO A CUSTOMER THAT RECEIVES SERVICE UNDER A CONTRACT ENTERED INTO UNDER THIS SUBSECTION.~~

[(c)] ~~(d)~~ (E) (1) Any contract or agreement entered into under this section has the full effect of a contract between the District of Columbia and the State or between the other agencies, authorities, or persons described in the section and this State.

(2) The authority granted in this section is in addition to, and is not limited by, the authority granted by any other Act of the General Assembly.

~~SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.~~

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.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted. It shall remain effective for a period of 5 years from the date it is enacted and, at
6 the end of the 5-year period, this Act, with no further action required by the General
7 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.