

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 893** Session of
2005

INTRODUCED BY SEMMEL, PRESTON, HARHART, CALTAGIRONE, DALLY,
DALEY, ARGALL, ARMSTRONG, BASTIAN, BENNINGHOFF, BOYD,
CREIGHTON, DENLINGER, GABIG, GODSHALL, GOODMAN, HARPER,
HARRIS, HERSHEY, HESS, KILLION, McILHINNEY, R. MILLER,
REICHLEY, SAYLOR, SCAVELLO, B. SMITH, J. TAYLOR, TIGUE, CRUZ
AND PALLONE, MARCH 14, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 31, 2005

AN ACT

1 Amending the act of April 14, 1949 (P.L.482, No.98), entitled,
2 as amended, "An act authorizing and requiring cities,
3 boroughs, townships, municipal authorities and public utility
4 companies engaged in the supplying of water, to shut off the
5 supply of water for nonpayment of sewer, sewerage, or sewage
6 treatment rentals, rates, or charges imposed by municipal
7 authorities organized by counties of the second class, by
8 cities of the second class, by cities of the second class A,
9 by cities of the third class, by boroughs or by townships of
10 the first or second class; authorizing and requiring them to
11 supply to such authorities lists of metered water readings
12 and flat-rate water bills and other data; authorizing them to
13 act as billing and collecting agents for such authorities;
14 and conferring certain powers upon the Pennsylvania Public
15 Utility Commission in connection therewith," further
16 providing for shutting off water if sewer charge not paid,
17 for notice and for statement of defense; and requiring
18 certain procedures to be followed in residential buildings.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 1 of the act of April 14, 1949 (P.L.482,
22 No.98), entitled, as amended, "An act authorizing and requiring
23 cities, boroughs, townships, municipal authorities and public

1 utility companies engaged in the supplying of water, to shut off
2 the supply of water for nonpayment of sewer, sewerage, or sewage
3 treatment rentals, rates, or charges imposed by municipal
4 authorities organized by counties of the second class, by cities
5 of the second class, by cities of the second class A, by cities
6 of the third class, by boroughs or by townships of the first or
7 second class; authorizing and requiring them to supply to such
8 authorities lists of metered water readings and flat-rate water
9 bills and other data; authorizing them to act as billing and
10 collecting agents for such authorities; and conferring certain
11 powers upon the Pennsylvania Public Utility Commission in
12 connection therewith," REENACTED AND AMENDED SEPTEMBER 7, 1955 <—
13 (P.L.576, NO.574), AND amended September 28, 1978 (P.L.827,
14 No.162), is amended to read:

15 Section 1. [If] (a) Except as provided for in subsection
16 ~~(b)~~ (C), if the owner or occupant of premises served by any <—
17 water utility, as hereinafter defined, shall neglect or fail to
18 pay, for a period of thirty (30) days from the due date thereof,
19 any rental, rate or charge for sewer, sewerage, or sewage
20 treatment service imposed by any municipality or municipal
21 authority [organized by any county of the second class, by any
22 city of the second class, by any city of the second class A, by
23 any city of the third class, by any borough or by any township
24 of the first or second class], such water utility is hereby
25 authorized and required, at the request and direction of the
26 municipality or of such authority, or of the city, borough, or
27 township to which the authority shall have assigned its claim or
28 lien for such service, to shut off the supply of water to such
29 premises until all such overdue rentals, rates and charges,
30 together with any penalties and interest thereon, shall be paid.

1 If such authority or such city, borough, or township shall also
2 supply water to any premises, it is hereby authorized to shut
3 off the supply of water to such premises, as herein set forth.
4 If the rental rate or charge for sewer, sewerage or sewage
5 treatment service is imposed by a municipality as lessee of an
6 authority [organized as aforesaid] and the said lessee shall
7 also supply water to such premises, then such municipality is
8 hereby authorized to shut off the supply of water to such
9 premises as herein set forth without prior request from said
10 authority or without prior assignment of its claim or lien for
11 such services. In no case shall the water supply be shut off to
12 any premises until ten days after written notice of an intention
13 so to do has been mailed to the person liable for payment of the
14 rentals and charges, as well as the owner of the property or
15 property manager, and in addition thereto, there has been posted
16 a written notice at a main entrance to the premises. If during
17 such ten day period, the person liable for the payment of the
18 rentals and charges delivers to the water utility authority or
19 municipality supplying water to the premises a written
20 statement, under oath or affirmation, stating that he has a just
21 defense to the claim, or part of it, for such rentals or
22 charges, then the water supply shall not be shut off until claim
23 has been judicially determined. The statement shall also contain
24 a declaration under oath or affirmation that it was not executed
25 for the purpose of delay.

26 Nothing contained in this section shall authorize any
27 authority or any privately owned sewer or water company to shut
28 off or deny water service to any lessee of a property because a
29 previous lessee failed to pay either the water or sewer service
30 rate, rental or charge.

<—

1 (B) (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), WHEN A
2 PREMISES IS LEASED FOR NONRESIDENTIAL USE TO A TENANT WITH NO
3 HISTORY OF DELINQUENT OR MISSED PAYMENTS TO ANY WATER UTILITY,
4 AND WATER SERVICE IS NOT INCLUDED AS PART OF THE LEASE PAYMENT,
5 THE WATER UTILITY PROVIDING SERVICE TO THE PREMISES SHALL NOT
6 SEND THE USAGE BILL OF THE TENANT TO THE LANDLORD WITHOUT THE
7 WRITTEN AUTHORIZATION OF THE TENANT OR AN AUTHORIZED
8 REPRESENTATIVE OF THE TENANT.

9 (2) IF A TENANT IS DELINQUENT IN PAYMENT TO THE WATER
10 UTILITY TO A DEGREE THAT WARRANTS TERMINATION OF SERVICE, THE
11 WATER UTILITY SHALL SEND NOTIFICATION TO THE LANDLORD AS
12 PROVIDED IN SUBSECTION (A).

<—

13 ~~(b)~~ (C) Prior to discontinuing service to tenants in a
14 residential building as defined under the act of November 26,
15 1978 (P.L.1255, No.299), known as the "Utility Service Tenants
16 Rights Act," the water utility shall comply with all provisions
17 of the "Utility Service Tenants Rights Act."

18 Section 2. This act shall take effect immediately.