

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 957 Session of 2021

INTRODUCED BY MOUL, MILLARD, JONES, STAATS, ROTHMAN, DAVANZO, MALONEY, B. MILLER, SCHMITT, COOK, RYAN, JOZWIAK, DIAMOND, PICKETT, SAYLOR, ECKER, M. MACKENZIE, MASSER, KAUFER, GLEIM, SCHEMEL, R. MACKENZIE, E. NELSON, HERSHEY, ROWE, ZIMMERMAN AND T. DAVIS, MARCH 17, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 16, 2021

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in municipal authorities, further
3 providing for purposes and powers.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5607(d)(9) of Title 53 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 5607. Purposes and powers.

9 * * *

10 (d) Powers.--Every authority may exercise all powers
11 necessary or convenient for the carrying out of the purposes set
12 forth in this section, including, but without limiting the
13 generality of the foregoing, the following rights and powers:

14 * * *

15 (9) To fix, alter, charge and collect rates and other
16 charges in the area served by its facilities at reasonable

1 and uniform rates to be determined exclusively by it for the
2 purpose of providing for the payment of the expenses of the
3 authority, the construction, improvement, repair, maintenance
4 and operation of its facilities and properties and, in the
5 case of an authority created for the purpose of making
6 business improvements or providing administrative services, a
7 charge for such services which is to be based on actual
8 benefits and which may be measured on, among other things,
9 gross sales or gross or net profits, the payment of the
10 principal of and interest on its obligations and to fulfill
11 the terms and provisions of any agreements made with the
12 purchasers or holders of any such obligations, or with a
13 municipality and to determine by itself exclusively the
14 services and improvements required to provide adequate, safe
15 and reasonable service, including extensions thereof, in the
16 areas served. ~~If a meter serves more than one unit, the~~ <--
17 ~~authority shall classify the meter as a commercial meter and~~
18 ~~bill the meter in the same manner as other commercial~~
19 ~~properties in accordance with this subsection, unless the~~
20 ~~owner of the property chooses to maintain the current~~
21 ~~classification.~~ If the service area includes more than one
22 municipality, the revenues from any project shall not be
23 expended directly or indirectly on any other project unless
24 such expenditures are made for the benefit of the entire
25 service area. Any person questioning the reasonableness or
26 uniformity of a rate fixed by an authority or the adequacy,
27 safety and reasonableness of the authority's services,
28 including extensions thereof, may bring suit against the
29 authority in the court of common pleas of the county where
30 the project is located or, if the project is located in more

1 than one county, in the court of common pleas of the county
2 where the principal office of the project is located. The
3 court of common pleas shall have exclusive jurisdiction to
4 determine questions involving rates or service. Except in
5 municipal corporations having a population density of 300
6 persons or more per square mile, all owners of real property
7 in eighth class counties may decline in writing the services
8 of a solid waste authority. THE OWNER OF MULTIPLE RESIDENTIAL <--
9 UNITS THAT ARE SERVED BY A SINGLE WATER METER MAY
10 PERIODICALLY REQUEST THE AUTHORITY TO ADJUST THE AMOUNT
11 BILLED BY SHOWING A MINIMUM OF FIVE CONSECUTIVE YEARS OF
12 ACTUAL USAGE DATA TO DETERMINE IF THE AMOUNT BILLED EXCEEDS
13 THE ACTUAL USAGE BY 30% OR MORE. IF THE USAGE DATA SHOWS THAT
14 AN ADJUSTMENT IS NEEDED, THE AUTHORITY SHALL APPROPRIATELY
15 ADJUST THE BILLING AND USE THE ADJUSTED AMOUNT GOING FORWARD.
16 WHEN CALCULATING THE NEW AMOUNT, THE AUTHORITY MAY INCLUDE UP
17 TO 10% OVER THE AMOUNT USED. AFTER AN INITIAL ADJUSTMENT, THE
18 OWNER MAY NOT REQUEST ANOTHER ADJUSTMENT FOR FIVE YEARS AFTER
19 THE ADJUSTMENT IS COMPLETED.

20 * * *

21 Section 2. This act shall take effect in 60 days.