

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2309 Session of
1990

INTRODUCED BY LLOYD, DEMPSEY, HALUSKA, RAYMOND, PETRARCA,
TANGRETTI, COY, PESCI, FLICK, DISTLER, SCHEETZ, NOYE,
LaGROTTA, VAN HORNE, BELFANTI, STEIGHNER, TRICH, BURD,
GODSHALL, TIGUE, GIGLIOTTI, McVERRY, D. W. SNYDER, HASAY,
LEVANSKY, JOHNSON, LAUGHLIN, PISTELLA, BUNT, E. Z. TAYLOR,
S. H. SMITH, D. R. WRIGHT, TELEK, BELARDI, WOGAN AND
RICHARDSON, MARCH 12, 1990

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 30, 1990

AN ACT

1 Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An
2 act providing for the incorporation as bodies corporate and
3 politic of 'Authorities' for municipalities, counties and
4 townships; prescribing the rights, powers and duties of such
5 Authorities heretofore or hereafter incorporated; authorizing
6 such Authorities to acquire, construct, improve, maintain and
7 operate projects, and to borrow money and issue bonds
8 therefor; providing for the payment of such bonds, and
9 prescribing the rights of the holders thereof; conferring the
10 right of eminent domain on such Authorities; authorizing such
11 Authorities to enter into contracts with and to accept grants
12 from the Federal Government or any agency thereof; and
13 conferring exclusive jurisdiction on certain courts over
14 rates," regulating an owner's liability for a tenant's bill.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Subsection B of section 4 of the act of May 2,
18 1945 (P.L.382, No.164), known as the Municipality Authorities
19 Act of 1945, is amended by adding ~~a clause~~ CLAUSES to read: <—

20 Section 4. Purposes and Powers; General.--* * *

21 B. Every Authority is hereby granted, and shall have and may

1 exercise all powers necessary or convenient for the carrying out
2 of the aforesaid purposes, including but without limiting the
3 generality of the foregoing, the following rights and powers:

4 * * *

5 ~~(h.1) In the case of a municipal Authority which provides~~ <—
6 ~~utility service to a residential dwelling unit in which the~~
7 ~~owner does not reside, the owner shall be liable to pay the~~
8 ~~tenant's bill for that service only if:~~

9 ~~(i) the authority notifies the owner in writing within ten~~
10 ~~days after the tenant's bill first becomes overdue;~~

11 ~~(ii) the authority notifies the tenant at least three times~~
12 ~~that the tenant's bill is overdue and that service will be~~
13 ~~terminated if the overdue bill is not paid; and~~

14 ~~(iii) the authority terminates service to the tenant within~~
15 ~~sixty days after the tenant's bill becomes overdue by an amount~~
16 ~~greater than seventy five (\$75) dollars.~~

17 ~~Nothing herein shall be construed to require an authority to~~
18 ~~terminate service to a tenant if the authority is willing to~~
19 ~~relieve the owner of liability for the tenant's bill. This~~
20 ~~clause shall not be applicable to a residential unit unless the~~
21 ~~unit is served by its own individual meter.~~

22 ~~(H.1) IN THE CASE OF AN AUTHORITY WHICH HAS AGREED TO~~ <—
23 ~~PROVIDE WATER SERVICE THROUGH A SEPARATE METER AND SEPARATE~~
24 ~~SERVICE LINE TO A RESIDENTIAL DWELLING UNIT IN WHICH THE OWNER~~
25 ~~DOES NOT RESIDE, THE OWNER SHALL BE LIABLE TO PAY THE TENANT'S~~
26 ~~BILL FOR SERVICE RENDERED TO THE TENANT BY THE AUTHORITY ONLY IF~~
27 ~~THE AUTHORITY NOTIFIES THE OWNER AND THE TENANT WITHIN THIRTY~~
28 ~~DAYS AFTER THE BILL FIRST BECOMES OVERDUE. SUCH NOTIFICATION~~
29 ~~SHALL BE PROVIDED BY FIRST CLASS MAIL TO THE ADDRESS OF THE~~
30 ~~OWNER PROVIDED TO THE AUTHORITY BY THE OWNER AND TO THE BILLING~~

1 ADDRESS OF THE TENANT, RESPECTIVELY. NOTHING HEREIN SHALL BE
2 CONSTRUED TO REQUIRE AN AUTHORITY TO TERMINATE SERVICE TO A
3 TENANT, PROVIDED THAT THE OWNER SHALL NOT BE LIABLE FOR ANY
4 SERVICE WHICH THE AUTHORITY PROVIDES TO THE TENANT NINETY OR
5 MORE DAYS AFTER THE TENANT'S BILL FIRST BECOMES DUE UNLESS THE
6 AUTHORITY HAS BEEN PREVENTED BY COURT ORDER FROM TERMINATING
7 SERVICE TO THAT TENANT.

8 (H.2) IN THE CASE OF AN AUTHORITY WHICH HAS AGREED TO
9 PROVIDE SEWER SERVICE TO A RESIDENTIAL DWELLING UNIT IN WHICH
10 THE OWNER DOES NOT RESIDE, THE AUTHORITY SHALL NOTIFY THE OWNER
11 AND THE TENANT WITHIN THIRTY DAYS AFTER THE TENANT'S BILL FOR
12 THAT SERVICE FIRST BECOMES OVERDUE. SUCH NOTIFICATION SHALL BE
13 PROVIDED BY FIRST CLASS MAIL TO THE ADDRESS OF THE OWNER
14 PROVIDED TO THE AUTHORITY BY THE OWNER AND TO THE BILLING
15 ADDRESS OF THE TENANT, RESPECTIVELY. NOTHING HEREIN SHALL BE
16 CONSTRUED TO RELIEVE THE OWNER OF LIABILITY FOR SUCH SERVICE
17 UNLESS THE AUTHORITY FAILS TO PROVIDE THE NOTICE REQUIRED
18 HEREIN.

19 * * *

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