

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2714 Session of
2004

INTRODUCED BY SEMMEL, WEBER, DALLY, MANN, HARHART, TIGUE,
ARGALL, ARMSTRONG, BARRAR, DALEY, DENLINGER, GOODMAN, HARPER,
HERSHEY, HESS, KILLION, R. MILLER, PAYNE, E. Z. TAYLOR AND
J. TAYLOR, JUNE 16, 2004

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 15, 2004

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 and
17 notice and statement of defense; AND REQUIRING CERTAIN
18 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
24 utility companies engaged in the supplying of water, to shut off

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

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

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

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

29 (B) PRIOR TO DISCONTINUING SERVICE TO TENANTS IN A
30 RESIDENTIAL BUILDING AS DEFINED IN THE ACT OF NOVEMBER 26, 1978

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1 (P.L.1255, NO.299), KNOWN AS THE "UTILITY SERVICE TENANTS RIGHTS
2 ACT," THE WATER UTILITY SHALL COMPLY WITH ALL PROVISIONS OF THE
3 "UTILITY SERVICE TENANTS RIGHTS ACT."

4 Section 2. This act shall take effect immediately.