

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Lemieux

Typed by: Elise

Stored – 12/06/18

Proofread by \_\_\_\_\_

Checked by \_\_\_\_\_

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

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Water Leakage – Billing**

3 **MC/PG 113–19**

4 FOR the purpose of requiring the Washington Suburban Sanitary Commission to notify an  
5 account holder within a certain number of days after determining a certain increase  
6 in water usage during a certain period; requiring that the notice required under this  
7 Act contain certain information, including information regarding a free inspection  
8 under certain circumstances; requiring an account holder to repair a water leak  
9 outside or inside the account holder’s home within a certain period; requiring the  
10 Commission to pay certain charges for a certain amount of water usage if the account  
11 holder repairs a water leak outside the account holder’s home within a certain period;  
12 requiring the Commission to waive a certain portion of the billing and collection  
13 charges of a certain amount of water usage due to a water leak inside the account  
14 holder’s home if the account holder repairs the leak within a certain period; and  
15 generally relating to the Washington Suburban Sanitary Commission and water  
16 service in the sanitary district.

17 BY repealing and reenacting, with amendments,

18 Article – Public Utilities

19 Section 25–504

20 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2010 Replacement Volume and 2018 Supplement)

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

4 **Article – Public Utilities**

5 25–504.

6 (a) The Commission:

7 (1) may provide for the billing and collection of the water and sewer usage  
8 charges on an estimated basis for periods of 6 months or less, based on the historical daily  
9 average consumption calculated from actual previous usage;

10 (2) shall read the meter at least once every 6 months; and

11 (3) (i) shall base the final bill for the 6–month period on the actual  
12 consumption adjusted by previous estimates, if the meter had not been read because it was  
13 inaccessible;

14 (ii) shall base the final bill for the 6–month period on the historical  
15 daily average consumption, calculated from actual previous usage, if a final reading cannot  
16 be made because:

17 1. the meter malfunctioned;

18 2. the meter had been taken out of service for repairs,  
19 maintenance, or water system relining purposes; or

20 3. there was theft of service;

21 (iii) may modify the historical daily average consumption calculation  
22 based on appropriate evidence submitted by the owner; and

23 (iv) may not base a final bill on estimated usage for two consecutive  
24 6–month periods.

1           **(B) (1) (I) IF THE WATER USAGE FOR AN ACCOUNT INCREASES BY AT**  
2 **LEAST 200% OVER THE USAGE DURING THE IMMEDIATELY PRECEDING BILLING**  
3 **PERIOD, THE COMMISSION SHALL NOTIFY THE ACCOUNT HOLDER WITHIN 7**  
4 **BUSINESS DAYS AFTER DETERMINING THE INCREASE.**

5                           **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS**  
6 **PARAGRAPH SHALL:**

7                           **1. DIRECT THE ACCOUNT HOLDER TO CONTACT THE**  
8 **COMMISSION BY TELEPHONE; AND**

9                           **2. INFORM THE ACCOUNT HOLDER THAT, AFTER THE**  
10 **ACCOUNT HOLDER CONTACTS THE COMMISSION AS DIRECTED UNDER ITEM 1 OF**  
11 **THIS SUBPARAGRAPH, A FREE INSPECTION WILL BE PERFORMED IF THE**  
12 **COMMISSION IS NOT ABLE TO IDENTIFY THE REASON FOR THE INCREASED USAGE**  
13 **BASED ON THE INFORMATION PROVIDED IN THE TELEPHONE CALL.**

14                   **(2) (I) IF THE INCREASE IN WATER USAGE IS DUE TO A WATER LEAK**  
15 **IDENTIFIED OUTSIDE OR INSIDE THE ACCOUNT HOLDER'S HOME, THE ACCOUNT**  
16 **HOLDER SHALL REPAIR THE LEAK WITHIN 30 DAYS AFTER THE LEAK IS IDENTIFIED.**

17                           **(II) IF THE ACCOUNT HOLDER REPAIRS THE LEAK IN**  
18 **ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION**  
19 **SHALL:**

20                           **1. FOR A WATER LEAK IDENTIFIED OUTSIDE THE**  
21 **ACCOUNT HOLDER'S HOME, PAY THE BILLING AND COLLECTION CHARGES FOR THE**  
22 **AMOUNT OF WATER USAGE THAT EXCEEDS THE USAGE BASED ON HISTORICAL DAILY**  
23 **AVERAGE CONSUMPTION FOR THE PERIOD AFTER THE LAST METER READING; AND**

24                           **2. FOR A WATER LEAK IDENTIFIED INSIDE THE ACCOUNT**  
25 **HOLDER'S HOME, WAIVE 50% OF THE BILLING AND COLLECTION CHARGES FOR THE**  
26 **AMOUNT OF WATER USAGE THAT EXCEEDS THE USAGE BASED ON HISTORICAL DAILY**  
27 **AVERAGE CONSUMPTION FOR THE PERIOD AFTER THE LAST METER READING.**

28           **[(b)] (C) (1) The Commission shall bill for the amount of water and sewer**  
29 **usage charges to each property served monthly, every other month, four times a year, or**  
30 **twice a year, as the Commission determines.**

1           (2)    On receipt each bill is payable to the Commission.

2           **[(c)] (D)**   (1)    A late payment charge of 5% of the unpaid charges shall be added  
3 and collected as part of the bill if:

4                   (i)    the Commission sends out a bill for water and sewer usage  
5 charges in the regular course of business;

6                   (ii)   for a service period of less than 3 months, the bill is not paid 20  
7 days from the date of sending; or

8                   (iii)  for a service period of 3 months or more, the bill is not paid 30  
9 days from the date of sending.

10           (2)    The late payment charge is in addition to and not in substitution for or  
11 derogation of any other right or remedy granted to the Commission by any other law.

12           **[(d)] (E)**   (1)    If a bill is not paid within 30 days after the date of sending, after  
13 leaving written notice on the premises or mailing notice to the owner's last known address,  
14 the Commission shall turn off the water to the property.

15                   (2)    The water may not be turned on again until the bill, any late payment  
16 penalty charges as authorized by law, and the cost incurred in shutting off and restoring  
17 the water supply are paid.

18           **[(e)] (F)**   If a bill is not paid within 60 days after the date of sending, the bill shall  
19 be collected against the owner of the property served in the same manner as other debts  
20 are collected in Montgomery County and Prince George's County.

21           **[(f)] (G)**   (1)    This subsection applies only to property subject to a  
22 condominium regime established under Title 11 of the Real Property Article.

23                   (2)    Notwithstanding any other law, if the Commission directly bills the  
24 governing body of a condominium or a person designated by the governing body of a  
25 condominium for water or sewer usage charges for all or a portion of the units in a  
26 condominium property, and a charge is in default for at least 60 days, the Commission shall  
27 post notice conspicuously at or near the entry to the common area of the condominium.

1                   (3)     The Commission may enter onto the common area of a condominium  
2 property at a reasonable time to post the notice required under this subsection.

3                   **[(g)] (H)**     The provisions of subsections **[(b), (d),] (C)**, (e), **[and] (f), AND (G)** of  
4 this section that relate solely to sewer usage charges may not be construed to invalidate an  
5 existing contract between the Commission and a municipality located in the sanitary  
6 district without the consent of the municipality.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2019.

DRAFT