

House Bill 1127

By: Representatives Drenner of the 86<sup>th</sup>, Benfield of the 85<sup>th</sup>, Henson of the 87<sup>th</sup>, Thomas of the 55<sup>th</sup>, and Ashe of the 56<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to the public water system, so as to revise provisions relating to the  
3 allocation of water and waste-water usage among tenants; to amend Article 1 of Chapter 7  
4 of Title 44 of the Official Code of Georgia Annotated, relating to landlords and tenants  
5 generally, so as to require landlords to provide heat and hot water to all tenants of  
6 multi-family dwellings and to every tenant occupied one or two family dwelling; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
11 relating to the public water system, is amended by striking Code Section 12-5-180.1, relating  
12 to the allocation of water and waste-water usage among tenants and charging tenants for  
13 usage, and inserting in lieu thereof the following:

14 "12-5-180.1.

15 (a) The owner or operator of a building containing residential units may install equipment  
16 or use an economic allocation methodology to determine the quantity of water that is  
17 provided to the tenants and used in the common areas of such a building; and except as  
18 provided for in subsection (c) of this Code section, the owner of such a building may  
19 charge tenants separately for water and waste-water service based on usage as determined  
20 through the use of such equipment or allocation methodology.

21 (b) Except as provided for in subsection (c) of this Code section, the ~~The~~ owner or  
22 operator of a building containing residential units may charge tenants separately for water  
23 and waste-water service, provided that the total amount of the charges to the tenants of  
24 such a building shall not exceed the total charges paid by the owner or operator for water  
25 and waste-water service for such building plus a reasonable fee for establishing, servicing,

1 and billing for water and waste-water service and provided, further, that the terms of the  
2 charges are disclosed to the tenants prior to any contractual agreement.

3 (c) For multi-family dwellings and tenant occupied dwellings which are subject to Code  
4 Section 44-7-14.2, the landlord may allocate charges against rent payments for water  
5 service."

## 6 SECTION 2.

7 Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to  
8 landlords and tenants generally, is amended by inserting after Code Section 44-7-14.1,  
9 relating to landlord's duties as to utilities, a new Code section to read as follows:

10 "44-7-14.2.

11 (a) As used in this Code section, the term:

12 (1) 'Dwelling' means any building, structure, or portion thereof which is occupied as, or  
13 designed or intended for occupancy as, a residence by one or two families.

14 (2) 'Multi-family dwelling' means a dwelling which is rented, leased, let, or hired out as  
15 the residence of three or more families living independently of each other.

16 (b) It shall be the duty of the landlord to provide heat from a central heating system  
17 constructed in accordance with the provisions of any applicable building code for every  
18 multi-family dwelling and every tenant occupied dwelling. During the period from  
19 October 1 through May 31 of each year, centrally supplied heat shall be furnished so as to  
20 maintain in every portion of such dwelling used or occupied for living purposes:

21 (1) Between the hours of 6:00 A.M. and 10:00 P.M., a temperature of at least 68 degrees  
22 Fahrenheit whenever the outside temperature falls below 55 degrees; and

23 (2) Between the hours of 10:00 P.M. and 6:00 A.M., a temperature of at least 55 degrees  
24 Fahrenheit whenever the outside temperature falls below 40 degrees.

25 (c) It shall be the duty of the landlord to provide hot water at a constant minimum  
26 temperature of 120 degrees Fahrenheit from a central source of supply constructed in  
27 accordance with the provisions of any applicable building code to every bath, shower,  
28 washbasin, and sink in any dwelling unit in a multi-family dwelling and in any tenant  
29 occupied dwelling. Provided, however, that baths and showers equipped with balanced  
30 pressure mixing valves, thermostatic mixing valves, or a combination thereof may produce  
31 a discharge temperature of less than 120 degrees Fahrenheit. Gas or electric hot water  
32 heaters may, if approved by the Department of Community Affairs, be utilized in lieu of  
33 a central source of supply of hot water.

34 (d) Any person who violates subsection (b) or (c) of this Code section shall, upon  
35 conviction, be assessed a fine of not less than \$250.00 and not more than \$500.00 per day  
36 for each violation."

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**SECTION 3.**

2 All laws and parts of laws in conflict with this Act are repealed.