

The House Committee on Natural Resources and Environment offers the following substitute to HB 158:

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 public water systems, so as to revise provisions relative to allocating  
3 water and waste-water usage among tenants and charging tenants for usage; to provide for  
4 metering and separate charging of water to tenants in new construction; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
9 relating to public water systems, is amended by revising Code Section 12-5-180.1, relating  
10 to allocating water and waste-water usage among tenants and charging tenants for usage, to  
11 read as follows:

12 "12-5-180.1.

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

19 (b) The owner or operator of a building containing residential units may charge tenants  
20 separately for water and waste-water service, provided that the total amount of the charges  
21 to the tenants of such a building shall not exceed the total charges paid by the owner or  
22 operator for water and waste-water service for such building plus a reasonable fee for  
23 establishing, servicing, and billing for water and waste-water service and provided, further,  
24 that the terms of the charges are disclosed to the tenants prior to any contractual agreement.

25 (c) The owner or operator of a newly constructed building or structure, not including a  
26 renovated building, permitted after January 1, 2010, containing residential units shall install

27 equipment to measure the quantity of water that is provided to each tenant; and the owner  
28 or operator of such a building shall charge tenants separately for water service based on  
29 actual use per unit, prorated for common use areas, provided that the total amount of  
30 charges to the tenants of such a building shall not exceed the total charges paid by the  
31 owner or operator for water service for such a building plus a reasonable fee for  
32 establishing, servicing, and billing for water service and provided, further, that the terms  
33 of the charges are disclosed to the tenants prior to any contractual agreement.  
34 (d) Subsection (c) of this Code section shall not apply to any construction of a building  
35 containing residential units the contract for which was entered into prior to January 1,  
36 2010."

37 **SECTION 2.**

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