

## SENATE SUBSTITUTE TO HB 169

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
 2 relating to general provisions concerning water resources, so as to provide for notices to  
 3 affected property owners and local governments whenever the Federal Emergency  
 4 Management Agency provides formal notice under the federal Map Modernization or Risk  
 5 Map programs as administered through the National Flood Insurance Program regarding any  
 6 new or revised flood elevations that are proposed for any property located in the regulatory  
 7 floodway or elsewhere in this state; to provide for the manner and contents of such notices;  
 8 to amend Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia  
 9 Annotated, relating to public water systems, so as to provide for metering and separate  
 10 charging of water to tenants; to provide for related matters; to repeal conflicting laws; and  
 11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## SECTION 1.

13 Article 1 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to  
 14 general provisions concerning water resources, is amended by adding a new Code section to  
 15 read as follows:  
 16

17 "12-5-9.

18 (a)(1) Whenever the Federal Emergency Management Agency provides formal notice  
 19 under the federal Map Modernization or Risk Map programs as administered through the  
 20 National Flood Insurance Program regarding any new or revised flood elevations as  
 21 designated on preliminary flood maps for any property located in the regulatory floodway  
 22 or elsewhere in this state, the department shall provide notice to the county tax assessor  
 23 and to the county or municipal government affected by the revised flood map. Such  
 24 notice shall be given in writing to the county tax assessor and to the governing authority  
 25 of such county or municipality by certified mail. Such notices shall be sent promptly and  
 26 in sufficient time to allow the county or municipality to appeal such determinations in  
 27 accordance with the provisions of law.

28 (2) Within 60 days of such notification, the county tax assessor shall provide the  
 29 department with the names and addresses of all owners of properties affected by new or  
 30 revised flood elevations as indicated on the revised preliminary flood map.

31 (3) Within 21 days of receipt of names and addresses of owners of properties affected  
 32 by new or revised flood elevations as designated on the revised preliminary flood map,  
 33 the department shall provide notice to each such property owner that his or her property  
 34 will be affected by such new or revised flood elevations and the potential implications of  
 35 such changes. Such notice shall be given in writing by mail addressed to the owner of  
 36 record as shown on the property and tax records of the county in which such property is  
 37 located. Such notices shall be sent by certified mail to owners of properties designated  
 38 as being in the regulatory floodway and by regular mail to all other owners of affected  
 39 properties and shall be sent promptly and in sufficient time to allow the property owners  
 40 to appeal such determinations in accordance with the provisions of law. At a minimum,  
 41 such notices shall contain a description of the proposed new or revised flood elevations  
 42 and a description of the appeal process from such determinations.

43 (b) Failure to receive a notice required by subsection (a) of this Code section shall not  
 44 create a basis for any appeal of any new or revised flood elevation independent of the  
 45 appeal process established by the Federal Emergency Management Agency."

#### 46 **SECTION 1A.**

47 Part 5 of Article 3 of Chapter 5 of Title 12 of the O.C.G.A., relating to public water systems,  
 48 is amended in Code Section 12-5-180.1, relating to allocating water and waste-water usage  
 49 among tenants, by adding a new subsection to read as follows:

50 "(c) Subsection (a) of this Code section notwithstanding, the owner or operator of a newly  
 51 constructed building or structure, not including a renovated building, permitted after  
 52 January 1, 2010, containing residential units shall install equipment to measure the quantity  
 53 of water provided to each tenant; and the owner or operator of such a building shall charge  
 54 tenants separately for water service based on actual use per unit, prorated for common use  
 55 areas. The total charges to the tenants of such a building shall not exceed the total charges  
 56 paid by the owner or operator for water service for such building plus a reasonable fee for  
 57 establishing, servicing, and billing for water service; the terms of the charges shall be  
 58 disclosed to tenants prior to any contractual agreement. This subsection shall not apply to  
 59 any construction of a building containing residential units the contract for which was  
 60 entered into prior to January 1, 2010."

#### 61 **SECTION 2.**

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