

Senate Bill 206

By: Senator Ligon, Jr. of the 3rd

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties and municipal corporations, so as to revise
3 provisions relating to the prohibition of water supplier's cut off of water to premises because
4 of indebtedness of prior owner, occupant, or lessee; to provide for a procedure to obtain
5 information regarding moneys owed for water supplied to certain real property under certain
6 circumstances; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
11 provisions applicable to counties and municipal corporations, is amended by revising Code
12 Section 36-60-17, relating to water supplier's cut off of water to premises because of
13 indebtedness of prior owner, occupant, or lessee prohibited, as follows:

14 "36-60-17.

15 (a) No public or private water supplier shall refuse to supply water to any ~~single or~~
16 ~~multifamily residential~~ property to for which water has been furnished ~~through the use of~~
17 ~~a separate water meter for each residential unit~~ on application of the owner or new resident
18 tenant of ~~the premises~~ such property because of the indebtedness of a prior owner, prior
19 occupant, or prior lessee to the water supplier for water previously furnished to such
20 premises property.

21 (b) For each new or current account to supply water to ~~any premises or property~~, the public
22 ~~or and private water supplier~~ suppliers shall maintain a record of identifying information
23 on the ~~user of~~ applicant for the water service and shall seek reimbursement of unpaid
24 charges for water service furnished initially from the person who incurred the charges.

25 (c)(1) Any real property owner, person having executed a contract for the purchase or
26 occupancy of real property, attorney closing a real estate transaction for the purchase of

27 real property, or lender considering the loan of funds to be secured by real property shall
 28 be entitled upon request to a statement from a public or private water supplier setting
 29 forth the amount of water charges currently and past due and any late charges and interest
 30 applicable for water supplied to such property. Such request shall:

31 (A) Be in writing;

32 (B) State the address of the real property for which water was supplied;

33 (C) Be delivered to the billing address of the public or private water supplier by
 34 first-class mail, certified mail, return receipt requested, courier service, or electronic
 35 means if electronic communication is supported by such supplier; and

36 (D) State a return address or e-mail address to which the statement reflecting the
 37 moneys owed is to be directed.

38 (2) Any request for a statement sent via first-class mail shall be considered received three
 39 days after the postmark date. Any request transmitted by electronic means shall be
 40 considered received on the first business day following such transmission.

41 (3) The public or private water supplier shall furnish such statement to the requestor by
 42 first-class mail, certified mail, return receipt requested, courier service, or electronic
 43 means if electronic communication is provided by the requestor within five business days
 44 of receipt of such request. Such supplier may charge a fee not to exceed \$10.00 to
 45 provide the requested information.

46 (4) The failure of the public or private water supplier to provide such statement within
 47 such five business day period shall cause any lien for unpaid charges provided by this
 48 Code section to be extinguished and to be of no force or effect as to the title acquired by
 49 the purchaser or lender, if any, and their respective successors and assigns in the
 50 transaction contemplated in connection with such request.

51 (5) The information specified in the public or private water supplier's statement shall be
 52 binding upon the public or private water supplier as of the date of the statement and for
 53 30 days thereafter. When payment in full is tendered within such 30 day period, it shall
 54 extinguish any lien by operation of law which the public or private water supplier may
 55 have against such property.

56 ~~(e)~~(d) A public or private water supplier shall not impose a lien against real property to
 57 secure unpaid charges for water furnished unless the owner of such real property is the
 58 person who incurred the charges.

59 ~~(d)~~(e) A public or private supplier of gas, sewerage service, or electricity shall not impose
 60 a lien against real property to secure unpaid charges for gas, sewerage service, or electricity
 61 unless the owner of such real property is the person who incurred the charges."

62

SECTION 2.

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