

No. 1978-162

AN ACT

SB 1228

Amending the act of April 14, 1949 (P.L.482, No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," authorizing municipalities who supply sewer services to direct water utilities to shut off the water supply when the sewer charges are unpaid.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1, act of April 14, 1949 (P.L.482, No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," reenacted and amended September 7, 1955 (P.L.576, No.147), and amended July 20, 1974 (P.L.561, No.191), is amended to read:

Section 1. If the owner or occupant of premises served by any water utility, as hereinafter defined, shall neglect or fail to pay, for a period of thirty (30) days from the due date thereof, any rental, rate or charge for sewer, sewerage, or sewage treatment service imposed by any **municipality or** municipal authority organized by any county of the second class, by any city of the second class, by any city of the second class A, by any city of the third class, by any borough or by any township of the first or second class, such water utility is hereby authorized and required, at the request and direction **of the municipality or** of such authority, or of the city, borough, or township to which the authority shall have assigned its claim or lien for such service, to shut off the supply of water to such premises until all such overdue rentals, rates and charges, together with any penalties and interest

thereon, shall be paid. If such authority or such city, borough, or township shall also supply water to any premises, it is hereby authorized to shut off the supply of water to such premises, as herein set forth. If the rental rate or charge for sewer, sewerage or sewage treatment service is imposed by a municipality as lessee of an authority organized as aforesaid and the said lessee shall also supply water to such premises, then such municipality is hereby authorized to shut off the supply of water to such premises as herein set forth without prior request from said authority or without prior assignment of its claim or lien for such services. In no case shall the water supply be shut off to any premises until ten days after written notice of an intention so to do has been mailed to the person liable for payment of the rentals and charges, and in addition thereto, there has been posted a written notice at a main entrance to the premises. If during such ten day period, the person liable for the payment of the rentals and charges delivers to the water utility authority or municipality supplying water to the premises a written statement, under oath or affirmation, stating that he has a just defense to the claim, or part of it, for such rentals or charges, then the water supply shall not be shut off until claim has been judicially determined. The statement shall also contain a declaration under oath or affirmation that it was not executed for the purpose of delay.

Nothing contained in this section shall authorize any authority or any privately owned sewer or water company to shut off or deny water service to any lessee of a property because a previous lessee failed to pay either the water or sewer service rate, rental or charge.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of September, A. D. 1978.

MILTON J. SHAPP