

The House Committee on Judiciary offers the following substitute to SB 206:

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 provide for a
3 procedure to obtain information regarding moneys owed for water supplied to certain real
4 property under certain circumstances; to provide for exceptions; 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 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
9 provisions applicable to counties and municipal corporations, is amended by revising Code
10 Section 36-60-17, relating to water supplier's cut off of water to premises because of
11 indebtedness of prior owner, occupant, or lessee prohibited, as follows:

12 "36-60-17.

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

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

23 (c)(1) Any real property owner or tenant, person having executed a contract for the
24 purchase or occupancy of real property, attorney closing a real estate transaction for the
25 purchase of real property, or lender considering the loan of funds to be secured by real
26 property shall be entitled upon request to a statement from a public or private water

- 27 supplier setting forth the amount of water charges currently and past due and any late
 28 charges and interest applicable for water supplied to such property. Such request shall:
- 29 (A) Be in writing;
 30 (B) State the address of the real property for which water was supplied;
 31 (C) Be delivered to the billing address of the public or private water supplier by
 32 certified mail, return receipt requested, statutory overnight delivery, or electronic means
 33 if electronic communication is permitted by such supplier; and
 34 (D) State a return address or e-mail address to which the statement reflecting the
 35 moneys owed is to be directed.
- 36 (2) Any request transmitted by electronic means shall be considered received on the first
 37 business day following such transmission.
- 38 (3) The public or private water supplier shall furnish such statement to the requestor by
 39 certified mail, return receipt requested, statutory overnight delivery, or electronic means
 40 if electronic communication is provided by the requestor within ten business days of
 41 receipt of such request. Such supplier may charge a fee not to exceed \$10.00 to provide
 42 the requested information.
- 43 (4) The failure of the public or private water supplier to provide such statement within
 44 such ten business day period shall:
- 45 (A) Cause any lien for unpaid charges provided by this Code section to be extinguished
 46 and to be of no force or effect as to the title acquired by the purchaser or lender, if any,
 47 and their respective successors and assigns in the transaction contemplated in
 48 connection with such request; and
- 49 (B) Prevent the public or private water supplier from denying water services to the new
 50 real property owner or tenant.
- 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 and shall not deny water services when such a lien has
 59 been extinguished.
- 60 (e) This Code section shall not apply to associations that are subject to Article 3 of Chapter
 61 3 of Title 44 which supply water.

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

65 **SECTION 2.**

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