

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 898

Short Title: Water/Sewer Utility Availability Fee. (Public)

Sponsors: Representatives Sasser and Arp (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Energy and Public Utilities, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

May 10, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE CERTAIN SMALL WATER AND SEWER AUTHORITIES WITH
THE POWER TO CHARGE A PERIODIC AVAILABILITY FEE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 162A-6(a) is amended by adding a new subdivision to read:

"(14e) To require the owners of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the jurisdiction of the authority and within a reasonable distance of any waterline or sewer collection line owned, leased as lessee, or operated by the authority to pay a periodic availability fee for the availability of the waterline or sewer collection line if the property owner chooses not to connect to the waterline or sewer collection line. The periodic availability fee may not exceed the minimum periodic service charge for properties that are connected to the waterline or sewer collection line. This subdivision applies only to a water and sewer authority whose membership includes part of more than one county and which has fewer than 3500 service connections."

SECTION 1.(b) G.S. 162A-6(a)(14d) reads as rewritten:

"(14d) To require the owners of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the jurisdiction of the authority and within a reasonable distance of any waterline or sewer collection line owned, leased as lessee, or operated by the authority to connect the property with the waterline, sewer connection line, or both and fix charges for the connections. The power granted by this subdivision may be exercised by an authority only to the extent that the service, whether water, sewer, or a combination thereof, to be provided by the authority is not then being provided to the improved property by any other political subdivision or by a public utility regulated by the North Carolina Utilities Commission pursuant to Chapter 62 of the General Statutes. In the case of improved property that would qualify for the issuance of a building permit for the construction of one or more residential dwelling units or commercial establishments and where the authority has installed water or sewer lines or a combination thereof directly available to the property, the authority may require payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties that are connected. In



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1 accordance with G.S. 87-97.1, when developed property is located so as to be
2 served by an authority water line and the property owner has connected to that
3 water line, the property owner may continue to use any private water well
4 located on the property for nonpotable purposes as long as the water well is
5 not interconnected to the ~~sanitary district authority~~ water line and the ~~sanitary~~
6 ~~district authority~~ shall not require the owner of any such water well to
7 abandon, cap, or otherwise compromise the integrity of the water well. This
8 subdivision applies only to a water and sewer authority whose membership
9 includes part or all of a county that has a population of at least 40,000
10 according to the most recent annual population estimates certified by the State
11 Budget Officer."

12 **SECTION 2.** This act is effective when it becomes law.