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S.41

Introduced by Senators Pollina, Cummings, Doyle, Fox, and McCormack

Referred to Committee on Government Operations

Date: January 22, 2013

Subject: Municipal and county government; uniform water and sewer  
disconnect; rental dwellings

Statement of purpose of bill as introduced: This bill proposes to allow tenants  
to establish water and sewer service for a rental dwelling if the landlord is  
delinquent in paying for the service.

An act relating to water and sewer service

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 24 V.S.A. § 5143 is amended to read:~~

§ 5143. DISCONNECTION OF SERVICE

\* \* \*

(c) A tenant of a rental dwelling facing a disconnection due to the  
delinquency of the landlord shall have the right to establish water and sewer  
service for the rental dwelling in the tenant's name and to deduct the cost of  
the water and sewer service from his or her rent pursuant to 9 V.S.A. § 4458.

(d) Prior to disconnection, the municipal water utility shall ask the  
ratepayer or occupant whether a tenant resides in the dwelling. A municipal

1 ~~water utility shall not disconnect a dwelling at the request of a lessor, owner, or~~  
2 ~~agent or because the landlord has failed to pay an overdue amount if it has~~  
3 ~~reason to believe the dwelling is rented and unless the municipal utility gives~~  
4 ~~notice as described in subsection (e) of this section.~~

5 (e) A municipal utility shall with respect to each potentially affected  
6 dwelling unit, deliver a notice consistent with the provisions of this chapter  
7 prior to the scheduled disconnection to at least one adult occupant of that  
8 dwelling unit or mail a notice to the tenant of that dwelling unit. In buildings  
9 where service to two or more units is to be disconnected because of a  
10 landlord's request or nonpayment, the utility must also post the notice in a  
11 secure and obvious place in the affected building or buildings. The notice  
12 must, in addition to the applicable disclosures of section 5144 of this chapter,  
13 inform the tenant how service can be continued. Notwithstanding the notice  
14 provisions of this chapter, a disconnection notice containing a newly  
15 established disconnection date shall be provided to the tenant at least ten days  
16 prior to the newly established disconnection date. If the disconnection is due  
17 to the failure of the landlord to pay an overdue amount, the landlord shall be  
18 responsible for usage during the additional ten-day notice period.

19 (f) A municipal utility shall offer the tenant the opportunity either to obtain  
20 service in the tenant's name or to otherwise assume responsibility for further  
21 payment. If the building has a single master meter for the whole building, the

1 ~~utility must make arrangements where possible to provide individual meters to~~  
2 ~~separate dwelling units. Where the wiring and metering arrangements allow,~~  
3 ~~the utility must provide service upon request of the tenant. The utility may not~~  
4 ~~require the tenant to pay any of the bill owed to the utility by the landlord.~~

5 ~~(g) If the utility disconnects a household because it is not aware that the~~  
6 ~~household is occupied by the tenant, and the landlord is responsible for~~  
7 ~~payment of the utility bill, the utility must reinstate service upon notification~~  
8 ~~from the tenant. Under such circumstances, the utility shall not require~~  
9 ~~advance payment of any deposit, and the customer shall have the option of~~  
10 ~~paying the deposit, if required, in three equal payments, with one-third due in~~  
11 ~~15 days, one-third due in 30 days, and one-third due in 60 days.~~

12 Sec. 2. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2013.~~

~~Sec. 1. 24 V.S.A. § 5143 is amended to read:~~

~~§ 5143. DISCONNECTION OF SERVICE~~

~~\* \* \*~~

~~(c) The tenant of a rental dwelling noticed for disconnection due to the delinquency of the ratepayer shall have the right to request and pay for continued service from the utility or reconnection of water and sewer service for the rental dwelling, which the utility shall provide. The tenant may deduct the cost of any water and sewer service charges or fees from his or her rent pursuant to 9 V.S.A. § 4459. If any water and sewer charges or fees are included in the tenant's rent, the tenant may deduct the cost of any water and sewer service charges or fees from his or her rent pursuant to 9 V.S.A. § 4459. Under such circumstances, the utility shall not require the tenant to pay any arrearage.~~

~~Sec. 2. EFFECTIVE DATE~~

~~*This act shall take effect on passage.*~~

*Sec. 1. 24 V.S.A. § 5143 is amended to read:*

*§ 5143. DISCONNECTION OF SERVICE*

\* \* \*

*(c) The tenant of a rental dwelling noticed for disconnection due to the delinquency of the ratepayer shall have the right to request and pay for continued service from the utility or reconnection of water and sewer service for the rental dwelling, which the utility shall provide. If any water and sewer charges or fees are included in the tenant's rent, the tenant may deduct the cost of any water and sewer service charges or fees paid to the municipality from his or her rent pursuant to 9 V.S.A. § 4459. Under such circumstances, the utility shall not require the tenant to pay any arrearage greater than one billing cycle.*

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on passage.*