

*Executive Privilege*  
**LEGISLATIVE BILL REVIEW FORM: 2014**

Bill Number: S.41 Name of Bill: An act relating to water and sewer service  
Agency/ Dept: ACCD/DHCD Author of Bill Review: Jen Hollar and Dale Azaria  
Date of Bill Review: 2/3/2014 Status of Bill: (check one):  
☐ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☒ As passed by both bodies ☐ Fiscal

**Recommended Position:**

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

**Analysis of Bill**

**1. Summary of bill and issue it addresses.**

Purpose is to protect tenants from losing water and sewer service due to disconnection as a result of delinquency of the landlord. Allows tenants to request and pay for continued municipal water and wastewater service. The tenant may withhold the amount paid from the rent due to the landlord as provided for under Title 9. Arrearage tenant may be required to pay is limited to one billing cycle.

The administration supported the Senate version of the bill which said tenants could not be required to pay arrearage. House wanted municipalities to be able to collect arrearage. Conference committee agreed to compromise language in red below.

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.

**2. Is there a need for this bill?**

While disconnections happen rarely, losing water and sewer service is a matter of health and safety for residents. The bill gives tenants the ability to continue service and deduct the cost from rent in accordance with existing mechanisms in landlord tenant law.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

No direct fiscal or programmatic implications. Department's interest is in the health and safety of dwelling units and occupants.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

No fiscal or programmatic implications. AHS concurs.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)**

The bill as introduced would have allowed residents to request individual metering and have the service put in their name. VLCT opposed because they have no direct knowledge or connection to tenants, would face an additional cost for individual metering and have no recourse if service is in a tenant's name and that tenant moves.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

Vermont Legal Aid – Proponents of bill

Vermont Affordable Housing Coalition

Vermont Apartment Owners Association supported the Senate version.

**6.2 Who else is likely to oppose the proposal and why?**

Vermont League of Cities and Towns opposed bill as introduced. Does not believe legislation is necessary but has not opposed compromise.

**7. Rationale for recommendation:**

ACCD recommended opposing as introduced but, along with AHS, supported the Senate version and the conference committee compromise. Final is workable, addresses a health and safety issue and has the support of landlords, Legal Aid and VAHC.

**8. Specific modifications that would be needed to recommend support of this bill:**

None.

Secretary/Commissioner has reviewed this document:

Lucy Leitch Date: 2/3/14