

CONFIDENTIAL

Updated LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: S.41 Name of Bill: An act relating to water and sewer service

Agency/ Dept: ACCD/DEHCD Author of Bill Review: Hollar/Hamlin/Kessler

Date of Bill Review: 2/18/13 Status of Bill: (check one):

Upon Introduction As passed by 1st 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. As approved by the Senate, the bill allows tenants to request and pay for continued municipal water and wastewater service if it is to be discontinued due to delinquency of the landlord. The tenant may withhold the amount paid from the rent due to the landlord as provided for under Title 9. Bill as approved by the Senate is below.

S.41 – Water Shutoffs

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 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.

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.

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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.

Senate bill intentionally does not make changes to Title 9, landlord tenant law.

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?

AHS may wish to review and comment.

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, 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 supports the Senate version.

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

Vermont League of Cities and Towns. Position is not clear. Opposed bill as introduced. Said they supported the Senate Government Operations version. Then later reported they were hearing concerns from small municipalities.

7. Rationale for recommendation:

ACCD recommended opposing as introduced but not engaging on bill.

We have monitored the bill through several Senate Government Operations hearings. The new version appears workable, addresses a health and safety issue and has the support of landlords, Legal Aid and VAHC.

Senate Government Operations voted out unanimously and it was approved by the Senate by voice vote.

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

None

Secretary/Commissioner has reviewed this document: _____ **Date:** _____