

SENATE, No. 1325

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires advance notice of water supply discontinuations for non-payment of local government water bills; requires offer of payment plan in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the discontinuation of local government water
2 supply services and amending various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 43 of P.L.1957, c.183 (C.40:14B-43) is amended to
8 read as follows:

9 43. a. In the event that any service charge of any municipal
10 authority with regard to any parcel of real property shall not be paid
11 as and when due, the municipal authority, may, in its discretion,
12 enter upon such parcel and cause any connection or connections
13 thereof leading directly or indirectly to or from the utility system to
14 be cut and shut off until such service charge and any subsequent
15 service charge with regard to such parcel and all interest accrued
16 thereon shall be fully paid to the municipal authority.

17 b. A municipal authority shall not discontinue the supply of
18 water to a parcel of real property pursuant to subsection a. of this
19 section unless prior to such discontinuation the municipal authority
20 provides written notices of the planned discontinuation at least 15
21 days in advance to:

22 (1) the owner of the property;

23 (2) the customer of record to whom the last preceding bill was
24 sent, if different from the owner; and

25 (3) any tenants who may reside at the property and who may not
26 be the customers of record. The notice for tenants shall include an
27 offer to provide continued water supply services billed to the
28 tenants. This notice shall be hand-delivered or mailed to the
29 property, or posted in a conspicuous area of the property, and, in the
30 case of a multiple dwelling, shall be posted in the common areas.

31 c. Upon a reasonable request made by an owner, customer of
32 record, or tenant before the date on which service is to be
33 discontinued as provided in the notice, the municipal authority shall
34 offer a reasonable payment plan to avoid a discontinuation of the
35 supply of water to the property.

36 (cf: P.L.1957, c.183, s.43)

37
38 2. Section 44 of P.L.1957, c.183 (C.40:14B-44) is amended to
39 read as follows:

40 44. a. In the event that a sewer service charge of any municipal
41 authority with regard to any parcel of real property shall not be paid
42 as and when due, the municipal authority may, in accordance with
43 section 57 of **【this act】** P.L.1957, c.183 (C.40:14B-22), cause the
44 supply of water to such parcel by any county, municipality or other
45 person to be stopped or restricted until such sewer service charge

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 and any subsequent sewer service charge with regard to such parcel
2 and all interest accrued thereon shall be fully paid to the municipal
3 authority. If for any reason such supply of water shall not be
4 promptly stopped or restricted as required by section 57 of **【this**
5 **act】** P.L.1957, c.183 (C.40:14B-22), the municipal authority may
6 itself shut off or restrict such supply and, for that purpose, may
7 enter on any lands, waters or premises of any county, municipality
8 or other person. Such supply of water to such parcel shall,
9 notwithstanding the provisions of this **【section】** subsection, be
10 restored or increased if the State Department of Health, upon
11 application of the local board of health or health officer of the
12 municipality where such parcel is situate, shall after public hearing
13 find and shall certify to the municipal authority that the continuance
14 of such stopping or restriction of such supply of water endangers
15 the health of the public in such municipality.

16 b. A municipal authority shall not discontinue the supply of
17 water to a parcel of real property pursuant to subsection a. of this
18 section unless prior to such discontinuation the municipal authority
19 provides written notices of the planned discontinuation at least 15
20 days in advance to:

21 (1) the owner of the property;

22 (2) the customer of record to whom the last preceding bill was
23 sent, if different from the owner; and

24 (3) any tenants who may reside at the property and who may not
25 be the customers of record. The notice for tenants shall include an
26 offer to provide continued water supply services billed to the
27 tenants. This notice shall be hand-delivered or mailed to the
28 property, or posted in a conspicuous area of the property, and, in the
29 case of a multiple dwelling, shall be posted in the common areas.

30 c. Upon a reasonable request made by an owner, customer of
31 record, or tenant before the date on which service is to be
32 discontinued as provided in the notice, the municipal authority shall
33 offer a reasonable payment plan to avoid a discontinuation of the
34 supply of water to the property.

35 (cf: P.L.1957, c.183, s.44)

36

37 3. Section 57 of P.L.1957, c.183 (C.40:14B-57) is amended to
38 read as follows:

39 57. a. Each county and municipality owning or operating any
40 system of water distribution serving 3 or more parcels of real
41 property in the district shall, and every other person owning or
42 operating any such system may and is hereby authorized to enter
43 into and perform a contract with the municipal authority that it will,
44 upon request by the municipal authority specifying a parcel of real
45 property in the district with regard to which a service charge under
46 section 22 of **【this act】** P.L.1957, c.183 (C.40:14B-22) is unpaid,
47 cause the supply of water from its system to such parcel of real
48 property to be stopped or restricted, as the municipal authority may

1 request, until such service charge and any subsequent service
2 charge with regard to such parcel and the interest accrued thereon
3 shall be fully paid or until the municipal authority directs otherwise.
4 No such county, municipality or other person shall be liable for any
5 loss, damage or other claim based on or arising out of the stopping
6 or restricting of such supply, and the municipal authority shall pay
7 the reasonable cost of so stopping or restricting such supply and of
8 restoring the same and may agree to indemnify such county,
9 municipality or other person from all loss or damage by reason of
10 such stopping or restriction, including loss of profits.

11 b. A municipal authority shall not discontinue the supply of
12 water to a parcel of real property pursuant to subsection a. of this
13 section unless prior to such discontinuation the municipal authority
14 provides written notices of the planned discontinuation at least 15
15 days in advance to:

16 (1) the owner of the property;

17 (2) the customer of record to whom the last preceding bill was
18 sent, if different from the owner; and

19 (3) any tenants who may reside at the property and who may not
20 be the customers of record. The notice for tenants shall include an
21 offer to provide continued water supply services billed to the
22 tenants. This notice shall be hand-delivered or mailed to the
23 property, or posted in a conspicuous area of the property, and, in the
24 case of a multiple dwelling, shall be posted in the common areas.

25 c. Upon a reasonable request made by an owner, customer of
26 record, or tenant before the date on which service is to be
27 discontinued as provided in the notice, the municipal authority shall
28 offer a reasonable payment plan to avoid a discontinuation of the
29 supply of water to the property.

30 (cf: P.L.1957, c.183, s.57)

31

32 4. R.S.40:62-107 is amended to read as follows:

33 40:62-107. a. The governing body of any municipality owning
34 its water and sewer systems and operating the same as one utility
35 may fix a combination water and sewer rental, and in case prompt
36 payment of said combined rent is not made according to the
37 regulations adopted by said governing body cause said water to be
38 shut off from such houses, tenements, buildings or other premises
39 so supplied and not to turn the same on again until all arrears, with
40 interest and penalties, shall be fully paid.

41 b. A municipality shall not discontinue the supply of water to a
42 parcel of real property pursuant to subsection a. of this section
43 unless prior to such discontinuation the municipality provides
44 written notices of the planned discontinuation at least 15 days in
45 advance to:

46 (1) the owner of the property;

47 (2) the customer of record to whom the last preceding bill was
48 sent, if different from the owner; and

1 (3) any tenants who may reside at the property and who may not
2 be the customers of record. The notice for tenants shall include an
3 offer to provide continued water supply services billed to the
4 tenants. This notice shall be hand-delivered or mailed to the
5 property, or posted in a conspicuous area of the property, and, in the
6 case of a multiple dwelling, shall be posted in the common areas.

7 c. Upon a reasonable request made by an owner, customer of
8 record, or tenant before the date on which service is to be
9 discontinued as provided in the notice, the municipality shall offer a
10 reasonable payment plan to avoid a discontinuation of the supply of
11 water to the property.

12 (cf: R.S.40:62-107)

13
14 5. R.S.40:62-142 is amended to read as follows:

15 40:62-142. a. In case prompt payment of any water rent or
16 rents, or for work done or materials furnished, is not made when
17 due, the water may be shut off from such real estate, and shall not
18 be again supplied thereto until the arrears with interest and penalties
19 shall be fully paid.

20 b. A commission shall not discontinue the supply of water to a
21 parcel of real property pursuant to subsection a. of this section
22 unless prior to such discontinuation the commission provides
23 written notices of the planned discontinuation at least 15 days in
24 advance to:

25 (1) the owner of the property;

26 (2) the customer of record to whom the last preceding bill was
27 sent, if different from the owner; and

28 (3) any tenants who may reside at the property and who may not
29 be the customers of record. The notice for tenants shall include an
30 offer to provide continued water supply services billed to the
31 tenants. This notice shall be hand-delivered or mailed to the
32 property, or posted in a conspicuous area of the property, and, in the
33 case of a multiple dwelling, shall be posted in the common areas.

34 c. Upon a reasonable request made by an owner, customer of
35 record, or tenant before the date on which service is to be
36 discontinued as provided in the notice, the commission shall offer a
37 reasonable payment plan to avoid a discontinuation of the supply of
38 water to the property.

39 (cf: R.S.40:62-142)

40
41 6. N.J.S.40A:31-12 is amended to read as follows:

42 40A:31-12. a. Rates, rentals, connection fees or other charges
43 levied in accordance with N.J.S.40A:31-10 and **[40A:31-11]**
44 N.J.S.40A:31-11, shall be a first lien or charge against the property
45 benefited therefrom. If any part of the amount due and payable in
46 rates, rentals, connection fees or other charges remains unpaid for
47 30 days following the date for the payment thereof, interest upon
48 the amount unpaid shall accrue at a rate of interest to be determined

1 in accordance with N.J.S.40A:31-17. The governing body or bodies
2 of the local unit or units may authorize payment of delinquent
3 assessments on an installment basis in accordance with R.S.54:5-19.
4 Liens levied in accordance with this **【section】 subsection** shall be
5 enforceable in the manner provided for real property tax liens in
6 chapter 5 of Title 54 of the Revised Statutes.

7 Nothing in this **【section】 subsection** shall be construed to limit
8 the right of a local unit or local units to discontinue service to any
9 property for the failure to pay any amount owing within 30 days
10 after the date the amount is due and payable **【**, if written notice of
11 the proposed discontinuance of service and of the reasons therefor
12 has been given, within at least 10 days prior to the date of
13 discontinuance, to the owner of record of the property. In the event
14 that notice is provided by mail, the notice requirements shall be
15 satisfied if the mailing is made to the last known address of the
16 owner of record and is postmarked at least 10 days prior to the date
17 of discontinuance**】**.

18 b. A local unit shall not discontinue the supply of water to a
19 parcel of real property pursuant to subsection a. of this section
20 unless prior to such discontinuation the local unit provides written
21 notices of the planned discontinuation at least 15 days in advance
22 to:

23 (1) the owner of the property;

24 (2) the customer of record to whom the last preceding bill was
25 sent, if different from the owner; and

26 (3) any tenants who may reside at the property and who may not
27 be the customers of record. The notice for tenants shall include an
28 offer to provide continued water supply services billed to the
29 tenants. This notice shall be hand-delivered or mailed to the
30 property, or posted in a conspicuous area of the property, and, in the
31 case of a multiple dwelling, shall be posted in the common areas.

32 c. Upon a reasonable request made by an owner, customer of
33 record, or tenant before the date on which service is to be
34 discontinued as provided in the notice, the local unit shall offer a
35 reasonable payment plan to avoid a discontinuation of the supply of
36 water to the property.

37 (cf: N.J.S.40A:31-12)

38
39 7. This act shall take effect immediately.
40
41

42 STATEMENT

43
44 This bill would require local government water purveyors to
45 provide written notice at least 15 days in advance of discontinuing
46 water supply to a property due to the non-payment of water bills.
47 The bill would also require these local government water purveyors
48 to offer a payment plan if a reasonable request is made before the

1 scheduled date of the water supply discontinuation. The supply of
2 water is a vital and basic need, and every effort should be made to
3 ensure that there is a reasonable opportunity to address any payment
4 issues in order to maintain water supply services.

5 The notice required under the bill would have to be sent to the
6 property owner, the last customer of record, if different, and also to
7 the affected property itself, by hand-delivery, mail, or posting, in
8 order to ensure that any tenant who may not be the customer of
9 record has an opportunity to address the unpaid water bills. If the
10 property is a multiple dwelling, the tenant notice would also have to
11 be posted in the common areas of the building.