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HOUSE BILL NO. 1888

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact § 15.2-2118 of the Code of Virginia, relating to liens for water and sewer charges imposed by localities.

Patron—Bulova

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2118 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2118. Lien for water and sewer charges and taxes imposed by localities.

The governing body of any county adjoining a city lying wholly within the Commonwealth and which has a population of more than 75,000 according to the 1970 or any subsequent census and any county having a density of population of more than 600 per square mile according to the 1960 or any subsequent census, Botetourt, Caroline, Culpeper, Cumberland, Franklin, Gloucester, Goochland, Hanover, Isle of Wight, New Kent, Orange and any town located therein, Rockingham, Spotsylvania, Stafford, and York Counties, the Cities of Fairfax, Manassas Park, Newport News, Petersburg, Richmond, and Roanoke, and the Towns of Blacksburg, Front Royal, and Kenbridge may by ordinance provide that taxes or charges hereafter made, imposed, or incurred for water or sewers or use thereof within or outside such locality shall be a lien on the real estate served by such waterline or sewer. *Such lien shall be superior to the interest of any owner, lessee or tenant of the real estate and rank on a parity with liens for unpaid real estate taxes.* Where residential rental real estate is involved, no lien shall attach *unless the locality (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property has advised the owner of such real estate at the time of initiating service to a lessee or tenant of such real estate that a lien will be placed on the real estate if the lessee or tenant fails to pay any fees, rents or other charges when due for services rendered to the lessee or tenant; (ii) has mailed to the owner of the real estate a duplicate copy of the final bill rendered to the lessee or tenant at the time of rendering the final bill to such lessee or tenant; and (iii) employs the same collection efforts and practices to collect amounts due the locality from a lessee or a tenant as are employed with respect to collection of such amounts due from customers who are owners of the real estate for which service is provided. No lien on residential rental real estate created pursuant to this section shall be in an amount that exceeds charges for three billing periods, plus applicable penalties and interest, if any. The lien created pursuant to this section shall be subject to the provisions of § 15.2-104 and shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien unless and until the locality has complied with the requirements of § 15.2-104.*

INTRODUCED

HB1888