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SENATE BILL NO. 846

Offered January 12, 2011

Prefiled January 7, 2011

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

Patron—Petersen

Referred to Committee on Local Government

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.

A. 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. ~~Where residential rental real estate is involved, no lien shall attach (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. 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. A lien for delinquent taxes or charges applicable to three or fewer months may be placed by the locality if the locality or its billing and collection agent (i) 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 taxes 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.~~

B. The lien shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien until the amount of such taxes and charges is entered in a judgment lien book in the office where deeds may be recorded in the locality in which the real estate or a part thereof is located. The clerk in whose office deeds may be recorded shall make and index the entries therein upon certification by the locality, for which he shall be entitled to a fee of \$2 per entry, to be paid by the locality and added to the amount of the lien. The locality shall give the owner of the real estate notice in writing that it has made such certification to the clerk.

C. The lien on any real estate may be discharged by the payment to the locality of the total lien amount and the interest that has accrued to the date of the payment. The locality shall deliver a certificate thereof to the person making the payment. Upon presentation of such certificate, the clerk having the record of the lien shall mark the entry of the lien satisfied, for which he shall be entitled to a fee of \$1.

INTRODUCED

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