

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 599

An Act to amend and reenact § 15.1-1263 of the Code of Virginia, relating to liens for unpaid charges of water and sewer authorities.

[S 159]

Approved April 10, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-1263 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-1263. Lien for charges.

(a) There shall be a lien upon real estate for the amount of any fees, rents or other charges by an authority to the owner or lessee or tenant of the real estate for the use and services of any system of the authority by or in connection with the real estate from and after the time when the fees, rents or charges are due and payable, and for the interest which may accrue thereon. 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*. No such lien for delinquent rates or charges applicable to three delinquent billing periods but not to exceed a period of ninety days for the delinquency shall be placed by an authority unless the authority 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 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 authority 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) Such 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 fees, rents and charges are entered in a judgment lien book in the office where deeds may be recorded in the political subdivision wherein the real estate or a part thereof is located. The clerk in whose office deeds may be recorded shall cause entries to be made and indexed therein upon certification by the authority, for which he shall be entitled to a fee of two dollars per entry to be paid by the authority and added to the amount of the lien. The authority shall give the owner of the real estate notice in writing that it has made such certification to the clerk.

(c) Such lien on any real estate may be discharged by the payment to the authority of the total lien amount, and the interest which has accrued to the date of the payment. The authority shall deliver a certificate thereof to the person paying the same, and upon presentation thereof, the clerk having the record of such lien shall mark the entry of such lien satisfied, for which he shall be entitled to a fee of one dollar.