As Introduced

133rd General Assembly
Regular Session 2019-2020

Representative Crawley

A BILL

To enact sections 4915.01, 4915.02, 4915.04, 4915.10, 4915.11, 4915.12, 4915.13, 4915.15, 4915.16, 4915.17, 4915.20, 4915.21, 4915.23, 4915.25, 4915.26, 4915.30, 4915.31, 4915.32, 4915.33, 4915.34, 4915.35, 4915.36, 4915.37, and 4915.40 of the Revised Code to regulate water utility providers' ability to curtail, disrupt, or disconnect water service to customers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4915.01, 4915.02, 4915.04, 4915.10, 4915.11, 4915.12, 4915.13, 4915.15, 4915.16, 4915.17, 4915.20, 4915.21, 4915.23, 4915.25, 4915.26, 4915.30, 4915.31, 4915.32, 4915.33, 4915.34, 4915.35, 4915.36, 4915.37, and 4915.40 of the Revised Code be enacted to read as follows:

Sec. 4915.01. As used in this chapter:

(A) "Water service" means all the services provided to a customer by a public water system.

(B) "Public water system" has the same meaning as in section 6109.01 of the Revised Code.
Sec. 4915.02. Water service to the residence of any customers shall not be curtailed, disrupted, or disconnected due to the nonpayment of fees and charges for the service.

Sec. 4915.04. A public water system may curtail, disrupt, or disconnect the water service to the residence of a customer if the reason relates to a present or imminently hazardous situation or on the request of the customer.

Sec. 4915.10. A public water system shall assist a customer who is delinquent in paying water service fees and charges to establish a payment schedule to pay the delinquent amounts.

Sec. 4915.11. A public water system shall not place liens on the real property of a customer due to the nonpayment of water service fees and charges.

Sec. 4915.12. A public water system shall not assess a customer a fee for connecting water service. The system shall follow flushing protocol when connecting service.

Sec. 4915.13. A public water service shall leave informational materials regarding the protections and requirements of Chapter 4915. of the Revised Code at each customer residence when connecting water service.

Sec. 4915.15. Each public water system shall develop and implement a water affordability program that complies with the following:

(A) Prevents the violation of the human right to water and sanitation as established by United Nations resolution 64/292 of July 28, 2010;

(B) Utilizes a sliding scale based on customer income to
set water service fees and charges. Fees and charges for service
under the scale shall not exceed four and one-half per cent of
the customer's income.

Sec. 4915.16. Customers participating in low-income
customer assistance programs administered by the director of
development under sections 4928.53 and 4928.55 of the Revised
Code or receiving assistance from other federal, state, or local
sources for purposes of obtaining and maintaining utility
service shall be placed in the lowest bracket of the scale
described in division (B) of section 4915.15 of the Revised
Code.

Sec. 4915.17. A public water system customer, other than a
customer receiving assistance as described in section 4915.16 of
the Revised Code, shall provide proof of income to the system to
determine the customer's water service fees and charges under
the program established in section 4915.15 of the Revised Code.
Proof of income can be established with any of the following:

(A) A copy of the customer's most recent paycheck;

(B) A copy of the customer's most recent state or federal
tax return;

(C) Any other reasonable means to establish income that
the water utility is willing to accept.

Sec. 4915.20. Each public water system shall develop an
emergency water assistance program to provide financial
assistance to a customer in the event of an emergency or other
situation in which the customer is temporarily unable to pay the
customer's water service fees and charges. The program shall
include the following:

(A) Provision of financial assistance based on an income
sliding scale that would allow for payment up to the full amount of water service fees and charges; 

(B) Creation of an affordable and attainable payment schedule to allow a customer eligible for the program to pay delinquent water service fees and charges, which schedule shall be based on the customer's available income.

Sec. 4915.21. A public water system shall forgive a customer's delinquent water service fees and charges after twenty-four months of continual payment under a payment schedule described in division (B) of section 4915.20 of the Revised Code.

Sec. 4915.23. Notwithstanding any provision of the Revised Code, or any regulation adopted thereunder, or any order of the public utilities commission regarding the setting of rates and the imposition of fees and charges for water service, a public water system may use any revenue raised from imposing fees and charges for water service to fund a water affordability program established under sections 4915.15 to 4915.17 of the Revised Code and an emergency water assistance program established under sections 4915.20 and 4915.21 of the Revised Code.

Sec. 4915.25. Public water systems shall file a report with the environmental protection agency not later than the first day of July each year, beginning in 2021. The report shall contain the following:

(A) The average fees and charges for water service by customer category;

(B) The average monthly bill for customers that have two, four, and six individuals in the household and the process by which the average was determined;
(C) The number of curtailments, disruptions, or disconnections of water service during that year broken down by census tract, zip code, and category of customer;

(D) Each water service system's policies and procedures regarding curtailment, disruption, or disconnection of water service pursuant to section 4915.04 of the Revised Code;

(E) Any assistance programs the water service system has available for low-income customers.

Sec. 4915.26. The environmental protection agency shall publish each report received under section 4915.25 of the Revised Code on its web site. Each public water system shall maintain a physical copy of its report at each of its business locations.

Sec. 4915.30. (A) Each public water system shall enter the following information from its most recent consumer confidence report into the database described in section 4915.31 of the Revised Code:

(1) Drinking water quality;

(2) Water quality of the rivers, lakes, or streams from which the public water system obtains water, if applicable;

(3) Web site hyperlinks to information about any pollutants in the water, the normal range of those pollutants, and the health effects of consuming them.

(B) A public water system shall include in each customer bill for water service fees and charges a summary of the information described in division (A) of this section in language that is reasonably understandable.

Sec. 4915.31. The environmental protection agency shall
create and maintain a database for public water systems to input
the information described in division (A) of section 4915.30 of
the Revised Code. A public water system shall periodically
update that information with any new information it provides in
a subsequent consumer confidence report. The agency shall make
this database accessible to the public.

Sec. 4915.32. The environmental protection agency shall
adopt a system of forfeitures for any violation or failure to
comply with Chapter 4915. of the Revised Code and any rules
adopted thereunder, which shall include:

(A) For a public water system serving more than ten
thousand customers, a minimum of one thousand dollars for each
offense, with a maximum of ten thousand dollars per violation or
failure to comply;

(B) For public water systems serving ten thousand or fewer
customers, the agency shall adopt a graduated system of
forfeitures for each offense based on the following factors, not
exceeding two thousand five hundred dollars per violation or
failure to comply:

(1) The size of the system;

(2) The threat to public health presented by the offense;

(3) Other factors that may be necessary to ensure
compliance with Chapter 4915. of the Revised Code and the rules
adopted thereunder.

Sec. 4915.33. Each day's continuance of a violation or
failure to comply with Chapter 4915. of the Revised Code, or any
rules adopted thereunder, shall be a separate offense.

Sec. 4915.34. Actions to recover forfeitures provided for
in this chapter shall be prosecuted in the name of the state and
may be brought in the court of common pleas of any county in
which the public water system is located. Such actions shall be
commenced and prosecuted by the attorney general when the
attorney general is directed to do so by the environmental
protection agency.

Sec. 4915.35. (A) As used in this section, "political
subdivision" means a township, county, or municipal corporation.

(B) The amount of forfeiture established under section
4915.34 of the Revised Code for a first violation or failure to
comply shall be earmarked in the treasury of the political
subdivision where the violation or failure to comply occurred.
The political subdivision shall have not more than thirty days
from the date of the earmark to use that amount to cure any
defect or damage caused by the public water system's violation
or failure to comply. All remaining amounts of the earmark not
used to cure shall be paid to the treasurer of state for deposit
into the state treasury to the credit of the drinking water
protection fund created in section 6109.30 of the Revised Code.

(C) Forfeitures recovered under section 4915.34 of the
Revised Code for a second or subsequent violation or failure to
comply shall be paid to the attorney general who shall deposit
the amounts into the state treasury to the credit of the
drinking water protection fund.

Sec. 4915.36. All forfeitures imposed on a public water
system under Chapter 4915. of the Revised Code, and the rules
adopted thereunder, are cumulative, and a suit for the recovery
of one does not bar the recovery of any other.

Sec. 4915.37. Nothing in sections 4905.33 to 4905.35 of
the Revised Code shall be construed to prohibit or limit a
public water system from complying with the requirements of
Chapter 4915. of the Revised Code or any rules adopted
thereunder.

Sec. 4915.40. The environmental protection agency shall
adopt rules under Chapter 119. of the Revised Code necessary to
administer and enforce sections 4915.01 to 4915.37 of the
Revised Code.