

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 898  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10444-MHf-12

Short Title: Water/Sewer Utility Availability Fee. (Public)

Sponsors: Representative Sasser.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE CERTAIN SMALL WATER AND SEWER AUTHORITIES WITH  
3 THE POWER TO CHARGE A PERIODIC AVAILABILITY FEE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 162A-6(a) is amended by adding a new subdivision to read:

6 "(14e) To require the owners of developed property on which there are situated one  
7 or more residential dwelling units or commercial establishments located  
8 within the jurisdiction of the authority and within a reasonable distance of any  
9 waterline or sewer collection line owned, leased as lessee, or operated by the  
10 authority to pay a periodic availability fee for the availability of the waterline  
11 or sewer collection line if the property owner chooses not to connect to the  
12 waterline or sewer collection line. The periodic availability fee may not  
13 exceed the minimum periodic service charge for properties that are connected  
14 to the waterline or sewer collection line. This subdivision applies only to a  
15 water and sewer authority whose membership includes part of more than one  
16 county and which has fewer than 3500 service connections."

17 **SECTION 1.(b)** G.S. 162A-6(a)(14d) reads as rewritten:

18 "(14d) To require the owners of developed property on which there are situated one  
19 or more residential dwelling units or commercial establishments located  
20 within the jurisdiction of the authority and within a reasonable distance of any  
21 waterline or sewer collection line owned, leased as lessee, or operated by the  
22 authority to connect the property with the waterline, sewer connection line, or  
23 both and fix charges for the connections. The power granted by this  
24 subdivision may be exercised by an authority only to the extent that the  
25 service, whether water, sewer, or a combination thereof, to be provided by the  
26 authority is not then being provided to the improved property by any other  
27 political subdivision or by a public utility regulated by the North Carolina  
28 Utilities Commission pursuant to Chapter 62 of the General Statutes. In the  
29 case of improved property that would qualify for the issuance of a building  
30 permit for the construction of one or more residential dwelling units or  
31 commercial establishments and where the authority has installed water or  
32 sewer lines or a combination thereof directly available to the property, the  
33 authority may require payment of a periodic availability charge, not to exceed  
34 the minimum periodic service charge for properties that are connected. In  
35 accordance with G.S. 87-97.1, when developed property is located so as to be  
36 served by an authority water line and the property owner has connected to that



1 water line, the property owner may continue to use any private water well  
2 located on the property for nonpotable purposes as long as the water well is  
3 not interconnected to the ~~sanitary district authority~~ water line and the ~~sanitary~~  
4 ~~district authority~~ shall not require the owner of any such water well to  
5 abandon, cap, or otherwise compromise the integrity of the water well. This  
6 subdivision applies only to a water and sewer authority whose membership  
7 includes part or all of a county that has a population of at least 40,000  
8 according to the most recent annual population estimates certified by the State  
9 Budget Officer."

10 **SECTION 2.** This act is effective when it becomes law.