

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 639

Representative Crawley

A BILL

To enact sections 4915.01, 4915.02, 4915.04, 1
4915.10, 4915.11, 4915.12, 4915.13, 4915.15, 2
4915.16, 4915.17, 4915.20, 4915.21, 4915.23, 3
4915.25, 4915.26, 4915.30, 4915.31, 4915.32, 4
4915.33, 4915.34, 4915.35, 4915.36, 4915.37, and 5
4915.40 of the Revised Code to regulate water 6
utility providers' ability to curtail, disrupt, 7
or disconnect water service to customers. 8

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

Section 1. That sections 4915.01, 4915.02, 4915.04, 9
4915.10, 4915.11, 4915.12, 4915.13, 4915.15, 4915.16, 4915.17, 10
4915.20, 4915.21, 4915.23, 4915.25, 4915.26, 4915.30, 4915.31, 11
4915.32, 4915.33, 4915.34, 4915.35, 4915.36, 4915.37, and 12
4915.40 of the Revised Code be enacted to read as follows: 13

Sec. 4915.01. As used in this chapter: 14

(A) "Water service" means all the services provided to a 15
customer by a public water system. 16

(B) "Public water system" has the same meaning as in 17
section 6109.01 of the Revised Code. 18

Sec. 4915.02. Water service to the residence of any 19
customers shall not be curtailed, disrupted, or disconnected due 20
to the nonpayment of fees and charges for the service. 21

Sec. 4915.04. A public water system may curtail, disrupt, 22
or disconnect the water service to the residence of a customer 23
if the reason relates to a present or imminently hazardous 24
situation or on the request of the customer. 25

Sec. 4915.10. A public water system shall assist a 26
customer who is delinquent in paying water service fees and 27
charges to establish a payment schedule to pay the delinquent 28
amounts. 29

Sec. 4915.11. A public water system shall not place liens 30
on the real property of a customer due to the nonpayment of 31
water service fees and charges. 32

Sec. 4915.12. A public water system shall not assess a 33
customer a fee for connecting water service. The system shall 34
follow flushing protocol when connecting service. 35

Sec. 4915.13. A public water service shall leave 36
informational materials regarding the protections and 37
requirements of Chapter 4915. of the Revised Code at each 38
customer residence when connecting water service. 39

Sec. 4915.15. Each public water system shall develop and 40
implement a water affordability program that complies with the 41
following: 42

(A) Prevents the violation of the human right to water and 43
sanitation as established by United Nations resolution 64/292 of 44
July 28, 2010; 45

(B) Utilizes a sliding scale based on customer income to 46

set water service fees and charges. Fees and charges for service 47
under the scale shall not exceed four and one-half per cent of 48
the customer's income. 49

Sec. 4915.16. Customers participating in low-income 50
customer assistance programs administered by the director of 51
development under sections 4928.53 and 4928.55 of the Revised 52
Code or receiving assistance from other federal, state, or local 53
sources for purposes of obtaining and maintaining utility 54
service shall be placed in the lowest bracket of the scale 55
described in division (B) of section 4915.15 of the Revised 56
Code. 57

Sec. 4915.17. A public water system customer, other than a 58
customer receiving assistance as described in section 4915.16 of 59
the Revised Code, shall provide proof of income to the system to 60
determine the customer's water service fees and charges under 61
the program established in section 4915.15 of the Revised Code. 62
Proof of income can be established with any of the following: 63

(A) A copy of the customer's most recent paycheck; 64

(B) A copy of the customer's most recent state or federal 65
tax return; 66

(C) Any other reasonable means to establish income that 67
the water utility is willing to accept. 68

Sec. 4915.20. Each public water system shall develop an 69
emergency water assistance program to provide financial 70
assistance to a customer in the event of an emergency or other 71
situation in which the customer is temporarily unable to pay the 72
customer's water service fees and charges. The program shall 73
include the following: 74

(A) Provision of financial assistance based on an income 75

sliding scale that would allow for payment up to the full amount 76
of water service fees and charges; 77

(B) Creation of an affordable and attainable payment 78
schedule to allow a customer eligible for the program to pay 79
delinquent water service fees and charges, which schedule shall 80
be based on the customer's available income. 81

Sec. 4915.21. A public water system shall forgive a 82
customer's delinquent water service fees and charges after 83
twenty-four months of continual payment under a payment schedule 84
described in division (B) of section 4915.20 of the Revised 85
Code. 86

Sec. 4915.23. Notwithstanding any provision of the Revised 87
Code, or any regulation adopted thereunder, or any order of the 88
public utilities commission regarding the setting of rates and 89
the imposition of fees and charges for water service, a public 90
water system may use any revenue raised from imposing fees and 91
charges for water service to fund a water affordability program 92
established under sections 4915.15 to 4915.17 of the Revised 93
Code and an emergency water assistance program established under 94
sections 4915.20 and 4915.21 of the Revised Code. 95

Sec. 4915.25. Public water systems shall file a report 96
with the environmental protection agency not later than the 97
first day of July each year, beginning in 2021. The report shall 98
contain the following: 99

(A) The average fees and charges for water service by 100
customer category; 101

(B) The average monthly bill for customers that have two, 102
four, and six individuals in the household and the process by 103
which the average was determined; 104

(C) The number of curtailments, disruptions, or 105
disconnections of water service during that year broken down by 106
census tract, zip code, and category of customer; 107

(D) Each water service system's policies and procedures 108
regarding curtailment, disruption, or disconnection of water 109
service pursuant to section 4915.04 of the Revised Code; 110

(E) Any assistance programs the water service system has 111
available for low-income customers. 112

Sec. 4915.26. The environmental protection agency shall 113
publish each report received under section 4915.25 of the 114
Revised Code on its web site. Each public water system shall 115
maintain a physical copy of its report at each of its business 116
locations. 117

Sec. 4915.30. (A) Each public water system shall enter the 118
following information from its most recent consumer confidence 119
report into the database described in section 4915.31 of the 120
Revised Code: 121

(1) Drinking water quality; 122

(2) Water quality of the rivers, lakes, or streams from 123
which the public water system obtains water, if applicable; 124

(3) Web site hyperlinks to information about any 125
pollutants in the water, the normal range of those pollutants, 126
and the health effects of consuming them. 127

(B) A public water system shall include in each customer 128
bill for water service fees and charges a summary of the 129
information described in division (A) of this section in 130
language that is reasonably understandable. 131

Sec. 4915.31. The environmental protection agency shall 132

create and maintain a database for public water systems to input 133
the information described in division (A) of section 4915.30 of 134
the Revised Code. A public water system shall periodically 135
update that information with any new information it provides in 136
a subsequent consumer confidence report. The agency shall make 137
this database accessible to the public. 138

Sec. 4915.32. The environmental protection agency shall 139
adopt a system of forfeitures for any violation or failure to 140
comply with Chapter 4915. of the Revised Code and any rules 141
adopted thereunder, which shall include: 142

(A) For a public water system serving more than ten 143
thousand customers, a minimum of one thousand dollars for each 144
offense, with a maximum of ten thousand dollars per violation or 145
failure to comply; 146

(B) For public water systems serving ten thousand or fewer 147
customers, the agency shall adopt a graduated system of 148
forfeitures for each offense based on the following factors, not 149
exceeding two thousand five hundred dollars per violation or 150
failure to comply: 151

(1) The size of the system; 152

(2) The threat to public health presented by the offense; 153

(3) Other factors that may be necessary to ensure 154
compliance with Chapter 4915. of the Revised Code and the rules 155
adopted thereunder. 156

Sec. 4915.33. Each day's continuance of a violation or 157
failure to comply with Chapter 4915. of the Revised Code, or any 158
rules adopted thereunder, shall be a separate offense. 159

Sec. 4915.34. Actions to recover forfeitures provided for 160

in this chapter shall be prosecuted in the name of the state and 161
may be brought in the court of common pleas of any county in 162
which the public water system is located. Such actions shall be 163
commenced and prosecuted by the attorney general when the 164
attorney general is directed to do so by the environmental 165
protection agency. 166

Sec. 4915.35. (A) As used in this section, "political 167
subdivision" means a township, county, or municipal corporation. 168

(B) The amount of forfeiture established under section 169
4915.34 of the Revised Code for a first violation or failure to 170
comply shall be earmarked in the treasury of the political 171
subdivision where the violation or failure to comply occurred. 172
The political subdivision shall have not more than thirty days 173
from the date of the earmark to use that amount to cure any 174
defect or damage caused by the public water system's violation 175
or failure to comply. All remaining amounts of the earmark not 176
used to cure shall be paid to the treasurer of state for deposit 177
into the state treasury to the credit of the drinking water 178
protection fund created in section 6109.30 of the Revised Code. 179

(C) Forfeitures recovered under section 4915.34 of the 180
Revised Code for a second or subsequent violation or failure to 181
comply shall be paid to the attorney general who shall deposit 182
the amounts into the state treasury to the credit of the 183
drinking water protection fund. 184

Sec. 4915.36. All forfeitures imposed on a public water 185
system under Chapter 4915. of the Revised Code, and the rules 186
adopted thereunder, are cumulative, and a suit for the recovery 187
of one does not bar the recovery of any other. 188

Sec. 4915.37. Nothing in sections 4905.33 to 4905.35 of 189

the Revised Code shall be construed to prohibit or limit a 190
public water system from complying with the requirements of 191
Chapter 4915. of the Revised Code or any rules adopted 192
thereunder. 193

Sec. 4915.40. The environmental protection agency shall 194
adopt rules under Chapter 119. of the Revised Code necessary to 195
administer and enforce sections 4915.01 to 4915.37 of the 196
Revised Code. 197