

2025 Regular Session

HOUSE BILL NO. 609

BY REPRESENTATIVE MANDIE LANDRY

SEWERAGE/NEW ORLEANS WATER BOARD: Provides relative to the Sewerage and Water Board of New Orleans

1 AN ACT

2 To enact R.S. 33:4094.2, relative to the city of New Orleans; to provide relative to the
3 sewerage and water board; to require the board to assess a stormwater fee on parcels
4 located within the city; to provide for the calculation of the fee; to provide for
5 definitions; to provide for limitations; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4094.2 is hereby enacted to read as follows:

11 §4094.2. New Orleans; sewerage, water, and drainage system; stormwater fee for
12 drainage

13 A. As used in this Section, the following words and phrases shall have the
14 meaning ascribed to them in this Subsection:

15 (1) "Developed parcel" means any parcel which has any building, structure,
16 appurtenance, or improvement.

17 (2) "Formula rate plan" means a method of setting rates or fees in which the
18 utility adjusts its base rates or fees to raise sufficient funds to cover the cost of
19 providing a service. The formula rate plan shall cover the operations, maintenance,
20 debt service, administration, and capital improvements of the public service.

1 (3) "Impervious area" means the surface areas in a parcel of real property
2 which prevents or significantly restricts infiltration of stormwater into the earth.

3 (4) "Parcel" means any piece of real property having the same ownership.

4 (5) "Single-family impervious area unit" means a unit of measure which
5 provides a basis for comparing the stormwater runoff generated by one property to
6 that generated by another. A single-family impervious area unit is defined as the
7 median of the impervious area for single-family residential parcels in the city, as
8 provided by rule by the Sewerage and Water Board of New Orleans.

9 (6) "Single family residential parcel" means a single-family detached
10 housing unit on an individually platted lot.

11 (7) "Stormwater fee" means a utility service fee charged to property owners
12 for the cost and privilege of discharging stormwater runoff into the city's public
13 drainage system.

14 B. The Sewerage and Water Board of New Orleans, as the public drainage
15 utility of the city of New Orleans, shall assess a stormwater fee on every developed
16 parcel in the city of New Orleans in accordance with a formula rate plan promulgated
17 by the board and approved by the Public Service Commission.

18 C. Single family residential parcels within one-half to twice the median area
19 of impervious cover for such parcels within the city shall be assessed one single
20 family impervious area unit.

21 D. For all other parcels, a single-family impervious area unit equivalent shall
22 be determined. This determination shall be based upon the total impervious area of
23 the property divided by the median area of impervious cover for single-family
24 residential parcels within the city. The single-family impervious area unit is then
25 multiplied by the fee established for the single-family impervious area unit. The
26 total impervious area of the parcel and the number of single-family impervious area
27 unit equivalent units shall be updated by the board based on any additions or
28 deletions to the impervious area.

1 E. Disputes involving the total impervious area for a parcel shall be
2 arbitrated in accordance with the process provided for in R.S. 33:4159.3.

3 F. For single family residential parcels, the board may adopt rules to provide
4 rebate incentives to encourage the use of facilities to reduce, store, or treat
5 stormwater discharge from residential parcels, subject to approval by the Public
6 Service Commission, and incorporation into the formula rate plan.

7 G. For non single family residential parcels meeting the following criteria,
8 the fee determined under Subsection D of this Section shall be applied as follows:

9 (1) For those parcels that prove a permitted, maintained, and functional
10 onsite stormwater retention or management system exceeds the city's current
11 minimum drainage and surface water management requirements for a ten year, one
12 hour storm event, then the monthly stormwater system utility fee shall be discounted
13 proportionally for each single-family impervious area unit equivalent based on the
14 volume of stormwater stored in the onsite stormwater management system compared
15 to the stormwater volume generated from a one hundred year, twenty-four hour
16 storm event.

17 (2) For those parcels that discharge directly to Lake Pontchartrain, prove
18 stormwater discharging directly to Lake Pontchartrain is treated onsite to meet
19 Louisiana Department of Environmental Quality criteria prior to discharge to
20 navigable waters, then the monthly stormwater system utility fee shall be discounted
21 proportionally up to the established rate for each single-family impervious area unit
22 equivalent for the portion of the parcel that discharges to Lake Pontchartrain.

23 H. The formula rate plan shall be set at a level sufficient to completely fund
24 the drainage service system owned, operated, and maintained by the board, including
25 for necessary capital improvements and current debt service, as approved by the
26 Public Service Commission. The total formula rate plan may be reduced by amounts
27 granted to the board by the city of New Orleans for the purposes of maintaining
28 drainage infrastructure owned by the board. All stormwater fees assessed shall be
29 reduced by a credit equivalent to drainage millages assessed by the city.

- 1 I. No single family residential parcel's stormwater fee shall exceed an
2 amount equivalent to sixteen and thirty-four hundredths mills.
- 3 J. Stormwater fees shall be collected by the Orleans Parish assessor on
4 annual property tax bills and remitted to the Sewerage and Water Board of New
5 Orleans as promptly as is reasonably practicable. Unpaid or delinquent stormwater
6 fees shall result in penalties pursuant to R.S. 47:2153.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 609 Original

2025 Regular Session

Mandie Landry

Abstract: Requires the Sewerage and Water Board to assess a stormwater fee on parcels located in the city of New Orleans.

Proposed law requires the Sewerage and Water Board of New Orleans to assess a stormwater fee on every developed parcel in the city of New Orleans. Provides that the fee shall be in accordance with the formula rate plan promulgated by the board and approved by the Public Service Commission (PSC). Provides for the calculation of the fee based on the type of parcel. Provides for definitions.

Proposed law requires that certain disputes regarding the fee be arbitrated in accordance with the process provided for in present law regarding customer billing by the Sewerage and Water Board (R.S. 33:4159).

Proposed law authorizes the board to adopt rules, relative to single family residential parcels, to provide rebate incentives to encourage the use of facilities to reduce, store, or treat stormwater discharge from residential parcels, subject to approval by the PSC, and incorporation into the formula rate plan.

Proposed law provides that the formula rate plan shall be set at a level sufficient to completely fund the drainage system owned, operated, and maintained by the board, including for necessary capital improvements and current debt service, as approved by the PSC.

Proposed law provides that the total formula rate plan may be reduced by amounts granted to the board by the city of New Orleans for purposes of maintaining drainage infrastructure owned by the board. Further provides that all stormwater fees assessed shall be reduced by a credit equivalent to drainage millages assessed by the city.

Proposed law provides that no single family residential parcel's stormwater fee shall exceed an amount equivalent to 16.34 mills.

(Adds R.S. 33:4094.2)