

Introduced by: President Young, *Henry Stokes, John Costello, Samuel Pinchett, Dan Sneed, Michael Bullock, Scyleiter, Clarke, Dorsey, Reist*
Prepared by: Department of Legislative Reference Date: November 28, 2018

Referred to: TAXATION, FINANCE & ECONOMIC DEVELOPMENT Committee *Mary Pat Clarke*

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0307 *David Rosenberg*

A BILL ENTITLED

AN ORDINANCE concerning

H.A.
Water Accountability and Equity Act *Brenda Jones, S. Sneed*

FOR the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action; establishing for these purposes a Water-for-All Discount Program, an Office of Water-Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the eligibility requirements for the Water-for-All Discount Program and its grant of an annual billing credit, and providing for the credit's administration, computation, distribution, and recertification requirements and for the effect of midyear ineligibility, program arrears, and related matters; excepting recipients in the Water-for-All Discount Program from certain penalties imposed on certain delinquent service charges; providing for the operational independence of the Office of Water-Customer Advocacy and Appeals as a neutral intermediary authorized to conduct problem-solving investigations of water and wastewater billing and related disputes and authorized, subject to certain limitations and the right to seek administrative and judicial appeals, to implement solutions to those disputes; specifying the personnel of the Office of Water-Customer Advocacy and Appeals who are required to file financial disclosure statements under the City Ethics Code; providing for the Committee for Office Oversight's composition, officers, meetings, and oversight duties; providing that the non-payment of water and wastewater charges subject to a pending request for Office investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for a service cut-off, the imposition of a lien against property, or a property's inclusion in certain tax sales; requiring certain notices before, and imposing certain restrictions and limitations on, service cut-offs for delinquency of payments; requiring that persons who have been issued a cut-off notice be offered the opportunity to enter into an installment payment agreement, subject to certain terms and conditions; reducing the interest rate applicable to redemptions from tax sale of properties designated by the State Department of Assessments and Taxation as the owner's principal residence; defining various terms; clarifying and conforming related provisions; and providing for special effective dates.

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input checked="" type="checkbox"/>	Department of Public Works	<input checked="" type="checkbox"/>	Baltimore City Public School System
<input checked="" type="checkbox"/>	Department of Real Estate	<input checked="" type="checkbox"/>	Baltimore Development Corporation
<input type="checkbox"/>	Department of Recreation and Parks	<input checked="" type="checkbox"/>	City Solicitor
<input type="checkbox"/>	Department of Transportation	<input type="checkbox"/>	Comptroller's Office
<input type="checkbox"/>	Fire Department	<input type="checkbox"/>	Department of Audits
<input checked="" type="checkbox"/>	Health Department	<input checked="" type="checkbox"/>	Department of Finance
<input type="checkbox"/>	Mayor's Office of Employment Development	<input type="checkbox"/>	Department of General Services
<input type="checkbox"/>	Mayor's Office of Human Services	<input checked="" type="checkbox"/>	Department of Housing and Community Development
<input type="checkbox"/>	Mayor's Office of Information Technology	<input type="checkbox"/>	Department of Human Resources
<input type="checkbox"/>	Office of the Mayor	<input type="checkbox"/>	Department of Planning
<input type="checkbox"/>	Police Department	<input checked="" type="checkbox"/>	Other: <i>Mayor's Office of Human Services</i>
<input type="checkbox"/>	Other:	<input checked="" type="checkbox"/>	Other: <i>Office of Inspector General</i>
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Other:
<input type="checkbox"/>	Environmental Control Board	<input type="checkbox"/>	Board of Estimates
<input type="checkbox"/>	Fire & Police Employees' Retirement System	<input type="checkbox"/>	Board of Ethics
<input type="checkbox"/>	Labor Commissioner	<input type="checkbox"/>	Board of Municipal and Zoning Appeals
<input type="checkbox"/>	Parking Authority Board	<input type="checkbox"/>	Comm. for Historical and Architectural Preservation
<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Commission on Sustainability
<input type="checkbox"/>	Wage Commission	<input type="checkbox"/>	Employees' Retirement System
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Other:

Boards and Commissions

ENROLLED

CITY OF BALTIMORE
ORDINANCE **20.336**
Council Bill 18-0307

Introduced by: President Young, Councilmembers Henry, Stokes, Scott, Costello, Burnett,
Pinkett, Cohen, Sneed, Middleton, Bullock, Schleifer, Clarke, Dorsey, Reisinger
Introduced and read first time: December 3, 2018
Assigned to: Taxation, Finance and Economic Development Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 28, 2019

AN ORDINANCE CONCERNING

Water Accountability and Equity Act

1

2 FOR the purpose of increasing the availability or affordability of basic water and wastewater
3 service to low-income consumers and assuring a fair process for all consumers before the
4 City exercises its authority to cut off water services, impose liens, or take similar action;
5 establishing for these purposes a Water-for-All Discount Program, an Office of Water-
6 Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the
7 eligibility requirements for the Water-for-All Discount Program and its grant of an annual
8 billing credit, and providing for the credit's administration, computation, distribution, and
9 recertification requirements and for the effect of midyear ineligibility, program arrears, and
10 related matters; excepting recipients in the Water-for-All Discount Program from certain
11 penalties imposed on certain delinquent service charges; providing for ~~the operational~~
12 ~~independence of~~ the Office of Water-Customer Advocacy and Appeals to operate as a neutral
13 intermediary authorized to conduct problem-solving investigations of water and wastewater
14 billing and related disputes and authorized, subject to certain limitations and the right to seek
15 administrative and judicial appeals, to implement solutions to those disputes; providing for
16 third-party hearing officers to independently hear administrative appeals; specifying the
17 personnel of the Office of Water-Customer Advocacy and Appeals who are required to file
18 financial disclosure statements under the City Ethics Code; providing for the Committee for
19 Office Oversight's composition, officers, meetings, and oversight duties; providing that the
20 non-payment of water and wastewater charges subject to a pending request for Office
21 investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for
22 a service cut-off, ~~the imposition of a lien against property, or a property's inclusion in certain~~
23 ~~tax sales~~; requiring certain notices before, and imposing certain restrictions and limitations
24 on, service cut-offs for delinquency of payments; requiring that persons who have been
25 issued a cut-off notice be offered the opportunity to enter into an installment payment
26 agreement, subject to certain terms and conditions; ~~reducing the interest rate applicable to~~
27 ~~redemptions from tax sale of properties designated by the State Department of Assessments~~
28 ~~and Taxation as the owner's principal residence~~; requiring that any property owner or

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill
by amendment after printing for third reading.

Council Bill 18-0307

1 managing operator who requires a tenant to pay the costs of water or wastewater services
2 must include that requirement and certain related provisions in an express provision of a
3 written lease agreement; defining various terms; clarifying and conforming related
4 provisions; and providing for special effective dates.

5 BY adding

6 Article 13 - Housing and Urban Renewal
7 Section 7-3(a-1)
8 Baltimore City Code
9 (Edition 2000)

10 BY repealing and reordaining, with amendments

11 Article 24 - Water
12 Sections 1-11, 2-1, 2-3, 4-2, 4-3, and 4-5
13 Baltimore City Code
14 (Edition 2000)

15 BY adding

16 Article 24 - Water
17 Sections 2-4 through ~~2-24~~ 2-23
18 Baltimore City Code
19 (Edition 2000)

20 BY repealing and reordaining, with amendments

21 Article 28 - Taxes
22 Section 4-4
23 Baltimore City Code
24 (Edition 2000)

25 ~~BY repealing and reordaining, with amendments~~

26 ~~Article 28 - Taxes~~
27 ~~Section 8-1~~
28 ~~Baltimore City Code~~
29 ~~(Edition 2000)~~

30 BY adding

31 Article 28 - Taxes
32 Section 8-4
33 Baltimore City Code
34 (Edition 2000)

35 BY adding

36 Article 8 - Ethics
37 Section 7-8(44)
38 Baltimore City Code
39 (Edition 2000)

40 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
41 **Laws of Baltimore City read as follows:**

Council Bill 18-0307

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 7. Residential Lease Requirements

§ 7-3. Information required.

(A-1) PAYMENT FOR WATER AND WASTEWATER SERVICES.

(1) ANY PROPERTY OWNER OR MANAGING OPERATOR WHO REQUIRES THAT A TENANT PAY THE COSTS OF WATER OR WASTEWATER SERVICES, WHETHER DIRECTLY TO THE DEPARTMENT OF PUBLIC WORKS OR AS REIMBURSEMENT TO THE OWNER OR MANAGING OPERATOR, SHALL INCLUDE THAT REQUIREMENT IN AN EXPRESS PROVISION OF A WRITTEN LEASE.

~~(2) THIS LEASE PROVISION SHALL INCLUDE A STATEMENT THAT THE SIGNED LEASE ESTABLISHES, FOR THE DURATION OF THE LEASE TERM, THE OWNER'S AUTHORIZATION TO THE DEPARTMENT OF PUBLIC WORKS TO RELEASE THE ACCOUNT RECORDS TO THE TENANT ON REQUEST OF THE TENANT OR AN AGENT OF THE TENANT.~~

THE LEASE SHALL INCLUDE A PROVISION THAT THE LANDLORD MAKES THE TENANT A DESIGNEE UNDER MARYLAND'S PUBLIC INFORMATION ACT TO RECEIVE COPIES OF THE BILLS REQUEST AND TO RECEIVE COPIES OF ANY ACCOUNT RECORDS FOR THE WATER OR WASTEWATER ACCOUNT AT ISSUE.

(3) WHENEVER A LANDLORD REQUIRES THE TENANT TO REIMBURSE THE LANDLORD FOR ALLOCATED COSTS OF WATER OR WASTEWATER SERVICE, THE LEASE REQUIRED BY THIS SUBSECTION SHALL ALSO:

(I) DESCRIBE THE CALCULATION METHOD USED BY THE OWNER OR OWNER'S AGENT TO ALLOCATE THE GOST OF WATER AND WASTEWATER SERVICES TO THE TENANT; AND

(II) SPECIFY THE AVERAGE MONTHLY ALLOCATED COSTS OF WATER AND WASTEWATER SERVICES FOR THE LEASED DWELLING UNIT OR ROOMING UNIT IN THE 12 MONTHS PRECEDING EXECUTION OF THE LEASE OR RENEWAL OF THE LEASE.

Article 24. Water

Subtitle 1. Director of Public Works

§ 1-11. Definitions.

(a) *In general.*

In this article, the following terms have the meanings indicated.

Council Bill 18-0307

1 (B) *APPLICANT.*

2 "APPLICANT" MEANS A CUSTOMER WHO APPLIES FOR THE WATER-FOR-ALL DISCOUNT
3 PROGRAM.

4 (C) *AUTHORIZED REPRESENTATIVE.*

5 "AUTHORIZED REPRESENTATIVE" MEANS A PERSON WHO HAS BEEN DESIGNATED IN
6 WRITING BY THE APPLICANT OR RECIPIENT TO ACT ON BEHALF OF THE APPLICANT OR
7 RECIPIENT. THE WRITING NEED NOT BE NOTARIZED.

8 (D) *CUSTOMER.*

9 "CUSTOMER" MEANS:

10 (1) THE OWNER OR TENANT OF A PROPERTY WHO RECEIVES OR IS REQUESTING TO
11 RECEIVE WATER OR WASTEWATER SERVICES FROM THE DEPARTMENT; OR

12 (2) THAT OWNER'S OR TENANT'S AUTHORIZED REPRESENTATIVE.

13 (E) *DEPARTMENT; DPW.*

14 "DEPARTMENT" OR "DPW" MEANS THE DEPARTMENT OF PUBLIC WORKS.

15 (F) *DIRECTOR; DPW DIRECTOR.*

16 "DIRECTOR" OR "DPW DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
17 PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE.

18 (G) *ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER.*

19 "ELIGIBLE RESIDENTIAL-WATER-UTILITY CUSTOMER" AND "ELIGIBLE
20 TENANT-WATER-UTILITY CUSTOMER" MEAN A CUSTOMER WHO IS ELIGIBLE FOR THE
21 WATER-FOR-ALL DISCOUNT PROGRAM.

22 (H) *HOUSEHOLD.*

23 "HOUSEHOLD" MEANS AN INDIVIDUAL OR GROUP OF INDIVIDUALS WHO ARE LIVING
24 TOGETHER AS ONE UNIT AND FOR WHOM WATER AND WASTEWATER SERVICES ARE
25 PURCHASED IN COMMON.

26 (I) *INCLUDES; INCLUDING.*

27 "INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
28 LIMITATION.

29 (J) [(b)] *Person.*

30 "Person" means:

Council Bill 18-0307

1 (1) an individual;

2 (2) [(3)] a partnership, firm, association, corporation, limited liability company, or
3 other entity of any kind; OR

4 (3) [(2)] a receiver, trustee, guardian, personal representative, fiduciary, or
5 representative of any kind[; or].

6 (K) *RECIPIENT.*

7 "RECIPIENT" MEANS A PERSON WHO IS ELIGIBLE FOR AND ENROLLED IN THE
8 WATER-FOR-ALL DISCOUNT PROGRAM.

9 (L) *RESIDENTIAL-WATER-UTILITY CUSTOMER.*

10 "RESIDENTIAL-WATER-UTILITY CUSTOMER" MEANS A CUSTOMER:

11 (1) WHO OWNS AND OCCUPIES REAL PROPERTY AS HIS OR HER PRINCIPAL RESIDENCE;

12 (2) WHOSE NAME APPEARS ON DEPARTMENT RECORDS OR WHO IS A LEGAL HEIR TO A
13 PERSON WHOSE NAME APPEARS ON DEPARTMENT RECORDS; AND

14 (3) WHO IS RESPONSIBLE FOR PAYMENT OF THE COST OF WATER OR WASTEWATER
15 SERVICES AT THAT RESIDENCE.

16 (M) *TENANT.*

17 "TENANT" MEANS AN INDIVIDUAL WHO IS RENTING OR LEASING REAL PROPERTY AS HIS OR
18 HER PRINCIPAL RESIDENCE.

19 (N) *TENANT-WATER-UTILITY CUSTOMER.*

20 "TENANT-WATER-UTILITY CUSTOMER" MEANS A CUSTOMER WHO IS A TENANT AND WHO
21 CAN VERIFY THAT HE OR SHE PAYS A LANDLORD, SEPARATE FROM THE FIXED PERIODIC
22 RENT, AN AMOUNT FOR WATER OR WASTEWATER SERVICES PROVIDED TO HIS OR HER
23 PRINCIPAL RESIDENCE.

24 (O) *UNUSED CREDIT.*

25 "UNUSED CREDIT" MEANS ANY PORTION OF A WATER-FOR-ALL CREDIT NOT APPLIED TO
26 THE RECIPIENT'S WATER AND WASTEWATER BILL OR SENT TO THE RECIPIENT PRIOR TO
27 CUT-OFF OF SERVICE.

28 (P) *WATER-FOR-ALL CREDIT.*

29 "WATER-FOR-ALL CREDIT" MEANS THE TOTAL CREDIT TOWARDS THE COST OF WATER OR
30 WASTEWATER SERVICES FOR A HOUSEHOLD THAT A CUSTOMER IS ELIGIBLE TO RECEIVE
31 FROM THE WATER-FOR-ALL DISCOUNT PROGRAM FOR THE CALENDAR YEAR, AS
32 DETERMINED ON REVIEW OF THE CUSTOMER'S APPLICATION.

Council Bill 18-0307

1 (Q) *WATER-FOR-ALL DISCOUNT PROGRAM; PROGRAM.*

2 "WATER-FOR-ALL DISCOUNT PROGRAM" OR "PROGRAM" MEANS THE WATER-FOR-ALL
3 DISCOUNT PROGRAM ESTABLISHED UNDER THIS ARTICLE.

4 **Subtitle 2. Bills**

5 **§ 2-1. Collection.**

6 (a) *Finance to collect.*

7 The bills for water used or work done by the Department of Public Works shall be
8 collected by the Department of Finance.

9 (b) *When due.*

10 UNLESS ABATED UNDER THIS SUBTITLE, [All] ALL bills therefor shall be paid within 20
11 days after they have been issued.

12 (c) *Cut-off on default.*

13 SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE, [On] ON default in [such] payment FOR
14 BILLS ISSUED UNDER THIS SECTION, the Department of Public Works may cut-off the
15 supply.

16 (D) *COPY OF BILL TO TENANT-WATER-UTILITY CUSTOMER.*

17 ANY LANDLORD THAT REQUIRES A RESIDENTIAL TENANT TO PAY FOR THE COSTS OF
18 WATER OR WASTEWATER SERVICES SHALL:

19 (1) INCLUDE THAT REQUIREMENT IN A WRITTEN LEASE, AS PROVIDED IN CITY CODE
20 ARTICLE 13, § 7-3(A-1); AND

21 (2) EITHER:

22 (I) TIMELY PROVIDE THE TENANT WITH A COPY OF THE WATER OR
23 WASTEWATER BILL; OR

24 (II) TIMELY NOTIFY THE DEPARTMENT THAT A COPY OF THE BILL SHOULD BE
25 SENT TO THE TENANT.

26 **§ 2-3. Cut-off for [nonpayment] ARREARAGE.**

27 (a) *Property owners responsible.*

28 The owners of property are in all cases responsible for the payment of water bills.

Council Bill 18-0307

1 (b) *Arrearages.*

2 (1) [Bills] IF A STRUCTURE FOR WHICH A BILL IS in arrears IS NOT A VACANT STRUCTURE,
3 AS DEFINED IN BUILDING CODE § 116.4 {"VACANT STRUCTURES"}, THE DEPARTMENT
4 MAY CUT OFF [are sufficient reason for discontinuing] water service, SUBJECT TO THE
5 REQUIREMENTS OF THIS ARTICLE, until all arrearages are paid.

6 (2) If a structure for which a bill is in arrears is a vacant structure, as defined in Baltimore
7 City Building Code § 116.4 {"Vacant structures"}, the Department shall proceed as
8 follows:

9 (i) for a structure that has an accessible water meter, the Department shall cut off
10 the water to the premises; or

11 (ii) for a structure that does not have an accessible water meter, the Department
12 shall cut off the water to the premises if damage to adjacent property is
13 imminent or demolition of the property is planned.

14 (c) *Charge to restore service.*

15 (1) [When] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, WHEN a water supply
16 is cut off for nonpayment of water charges, a service-restoration fee must be paid
17 before the supply is turned on again.

18 (2) The amount of the service-restoration fee shall be as determined by the Board of
19 Estimates in accordance with Subtitle 3 of this article.

20 (3) WHILE ENROLLED IN THE WATER-FOR-ALL DISCOUNT PROGRAM, A RECIPIENT IS NOT
21 LIABLE FOR ANY SERVICE-RESTORATION FEE IMPOSED UNDER THIS SUBSECTION.

22 (d) *Unauthorized use.*

23 The Department of Public Works [shall] MAY cut off the water from the premises of any
24 person who:

25 (1) introduces water to his, her, or its premises without authorization from the
26 Department; or

27 (2) permits another person (not entitled to use the water) to use the water without
28 authorization from the Department.

29 § 2-4. {RESERVED}

30 § 2-5. {RESERVED}

Council Bill 18-0307

1 § 2-6. WATER-FOR-ALL PROGRAM – OVERVIEW.

2 (A) ~~DIRECTOR TO ADOPT RULES~~ RULES AND REGULATIONS.

3 (1) ~~THE DIRECTOR~~ THE DPW DIRECTOR AND THE FINANCE DIRECTOR SHALL ADOPT AND
4 ENFORCE RULES AND REGULATIONS TO ADMINISTER A WATER-FOR-ALL DISCOUNT
5 PROGRAM IN CONFORMANCE WITH THIS ARTICLE.

6 (2) A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE
7 FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE
8 EFFECT.

9 (B) ELIGIBILITY CRITERIA.

10 (1) EACH RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMER WHOSE HOUSEHOLD
11 INCOME IN A CALENDAR YEAR IS LESS THAN 200% OF THE FEDERAL GOVERNMENT'S
12 OFFICIAL POVERTY INCOME GUIDELINES, AS PUBLISHED ANNUALLY BY THE U.S.
13 DEPARTMENT OF HEALTH AND HUMAN SERVICES, IS ELIGIBLE FOR THE
14 WATER-FOR-ALL DISCOUNT PROGRAM.

15 (2) RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMERS ARE NOT REQUIRED TO BE
16 CITIZENS OR PERMANENT RESIDENTS OF THE UNITED STATES IN ORDER TO BE ELIGIBLE
17 FOR THE WATER-FOR-ALL DISCOUNT PROGRAM.

18 (C) ~~DIRECTOR TO INFORM~~ INFORMING CUSTOMERS OF PROGRAM.

19 ~~THE DIRECTOR~~ THE DPW DIRECTOR OR FINANCE DIRECTOR, AS THE CASE MAY BE, SHALL
20 INFORM EACH RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMER OF THE
21 AVAILABILITY OF AND ELIGIBILITY CRITERIA FOR THE WATER-FOR-ALL DISCOUNT
22 PROGRAM IN EACH BILL AND IN EACH NOTICE PROVIDED UNDER § 4-3(D) {"CUT-OFF FOR
23 NON-PAYMENT: NOTICE"} OF THIS ARTICLE.

24 § 2-7. WATER-FOR-ALL PROGRAM – APPLICATION FOR PROGRAM.

25 (A) HOW SUBMITTED.

26 A CUSTOMER MAY SUBMIT A WATER-FOR-ALL DISCOUNT PROGRAM APPLICATION TO THE
27 DEPARTMENT ONLINE, IN PERSON, OR BY MAIL.

28 (B) REQUISITES FOR COMPLETE APPLICATION.

29 EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A COMPLETE APPLICATION,
30 SIGNED AND DATED BY THE CUSTOMER OR THE CUSTOMER'S AUTHORIZED
31 REPRESENTATIVE, MUST INCLUDE:

32 (1) THE NAMES ~~AND AGES~~ OF ALL HOUSEHOLD MEMBERS;

33 (2) THE ESTIMATED ANNUAL HOUSEHOLD INCOME FOR THE CURRENT CALENDAR
34 YEAR;

Council Bill 18-0307

1 (3) IF THE APPLICANT IS A TENANT:

2 (I) A STATEMENT, SEPARATELY SIGNED AND DATED BY THE CUSTOMER OR THE
3 CUSTOMER'S AUTHORIZED REPRESENTATIVE, THAT THE TENANT IS A
4 TENANT-WATER-UTILITY CUSTOMER;

5 (II) THE NAME AND ADDRESS OF THE LANDLORD;

6 ~~(III) THE AMOUNT OWED IN RENT PER MONTH;~~ AND

7 (III) ~~(IV)~~ IF APPLICABLE, VERIFICATION THAT THE TENANT PAYS A SEPARATE
8 AMOUNT FOR WATER OR WASTEWATER SERVICES TO THE LANDLORD (E.G.,
9 BY COPY OF THE RENTAL OR LEASE AGREEMENT SO INDICATING);

10 (4) A STATEMENT, SEPARATELY SIGNED AND DATED BY ~~THE APPLICANT OR THE~~
11 ~~APPLICANT'S AUTHORIZED REPRESENTATIVE~~ ALL MEMBERS OF THE HOUSEHOLD
12 WHOSE INCOME WILL BE EVALUATED FOR THE PROGRAM, ALLOWING THE
13 DIRECTOR TO OBTAIN VERIFICATION, THROUGH ANY APPROPRIATE SOURCES,
14 ABOUT STATEMENTS MADE OR DOCUMENTS PRESENTED BY ~~THE APPLICANT OR THE~~
15 ~~APPLICANT'S AUTHORIZED REPRESENTATIVE~~ MEMBERS OF THE HOUSEHOLD WHOSE
16 INCOME WILL BE EVALUATED FOR THE PROGRAM DURING THE APPLICATION
17 PROCESS;

18 (5) A CERTIFICATION:

19 (I) THAT THE RECIPIENT WILL NOTIFY THE DEPARTMENT IMMEDIATELY IF THE
20 ACTUAL ANNUAL HOUSEHOLD INCOME EXCEEDS THE AMOUNT STATED IN
21 THE APPLICATION; AND

22 (II) THAT, IF THE ACTUAL INCOME RENDERS THE RECIPIENT INELIGIBLE, THE
23 RECIPIENT WILL FULLY AND PROMPTLY COOPERATE WITH THE
24 DEPARTMENT IN ITS EFFORTS, UNDER § 2-11(C) {"WATER-FOR-ALL ... -
25 MIDYEAR INELIGIBILITY"} OF THIS SUBTITLE, TO RECOVER CREDITS
26 DISTRIBUTED FOR ANY PERIOD OF INELIGIBILITY; AND

27 (6) A CERTIFICATION, SEPARATELY SIGNED AND DATED BY THE APPLICANT OR THE
28 APPLICANT'S AUTHORIZED REPRESENTATIVE, THAT ALL ANSWERS TO THE
29 QUESTIONS AND ITEMS ON THE APPLICATION FORM ARE TRUE AND ACCURATE TO
30 THE BEST OF THE APPLICANT'S KNOWLEDGE.

31 (C) VERIFICATION.

32 ON REQUEST BY THE DIRECTOR FOR GOOD CAUSE, THE APPLICANT SHALL:

33 (1) PROVIDE VERIFICATION OF THE INFORMATION PROVIDED ON THE APPLICATION;
34 AND

35 (2) ~~SUBMIT PHOTOCOPIES OF HIS OR HER~~ FOR REVIEW THE RELEVANT FEDERAL, STATE,
36 OR CITY INCOME TAX RETURN OR OTHER ACCEPTABLE EVIDENCE.

Council Bill 18-0307

1 (D) *EXCEPTION FOR ENROLLEES IN CERTAIN STATE PROGRAMS.*

2 (1) INSTEAD OF THE APPLICATION SET FORTH IN THIS SECTION, AN APPLICANT WHO
3 DEMONSTRATES THAT HE OR SHE IS ALREADY A PARTICIPANT IN ANY STATE
4 PROGRAM WHERE ELIGIBILITY IS ESTABLISHED BY INCOME OF LESS THAN 200% OF
5 THE FEDERAL GOVERNMENT'S OFFICIAL GUIDELINES, IS DEEMED ELIGIBLE FOR THE
6 WATER-FOR-ALL DISCOUNT PROGRAM.

7 (2) THE DIRECTOR SHALL PROVIDE A STREAMLINED APPLICATION PROCESS FOR THESE
8 APPLICANTS AND MAY NOT REQUIRE ANY OTHER INCOME VERIFICATION FOR
9 PROGRAM ELIGIBILITY.

10 **§ 2-8. WATER-FOR-ALL PROGRAM – GRANT OF CREDIT.**

11 (A) *IN GENERAL.*

12 EACH ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER WHO SUBMITS A
13 COMPLETE APPLICATION, CONTAINING THE INFORMATION REQUIRED BY § 2-7 {"WATER-
14 FOR-ALL ... – APPLICATION FOR PROGRAM"} OF THIS SUBTITLE, SHALL RECEIVE A
15 WATER-FOR-ALL CREDIT AS FOLLOWS:

16 (1) ELIGIBLE RESIDENTIAL-WATER-UTILITY CUSTOMERS SHALL RECEIVE 1 FIXED
17 ANNUAL CREDIT FOR EACH HOUSEHOLD. ONLY 1 CREDIT IS ALLOWED PER
18 HOUSEHOLD PER CALENDAR YEAR.

19 (2) ELIGIBLE TENANT-WATER-UTILITY CUSTOMERS SHALL RECEIVE ONLY 1 ANNUAL
20 CREDIT PER ELIGIBLE CUSTOMER. HOWEVER, WHERE THERE ARE MULTIPLE
21 TENANTS SHARING RENT IN A HOUSEHOLD, THE CREDIT SHALL BE DIVIDED AMONG
22 THOSE WHO ARE ON THE LEASE OR RENTAL AGREEMENT OR WHO OTHERWISE
23 VERIFY THAT THEY ARE ELIGIBLE TENANT-WATER-UTILITY CUSTOMERS. FOR
24 SUBLEASES, THE CREDIT SHALL BE PRORATED FOR THE TIME THAT THE SUBLESSEE
25 IS AN ELIGIBLE TENANT-WATER-UTILITY CUSTOMER LIVING IN THAT HOUSEHOLD.

26 (B) *AMOUNT OF CREDIT.*

27 (1) *FORMULA.*

28 THE WATER-FOR-ALL CREDIT IS DETERMINED BY THE FORMULA

29
$$C = B - I \times A$$

30 WHERE

31 C = THE WATER-FOR-ALL CREDIT.

32 B = EITHER:

33 (1) THE RECIPIENT'S ESTIMATED ANNUAL WATER AND WASTEWATER BILL,
34 INCLUSIVE OF VOLUMETRIC USAGE CHARGES, THE ACCOUNT
35 MANAGEMENT FEE, AND INFRASTRUCTURE CHARGES, BASED ON THE

Council Bill 18-0307

1 RECIPIENT'S HISTORICAL AVERAGE ANNUAL WATER USAGE AND THE
2 PROJECTED RATE SCHEDULE FOR THE YEAR; OR

3 (II) IF WATER AND WASTEWATER UTILITY SERVICE IS MASTER-METERED
4 AND THE OWNER BILLS THE COST OF SERVICE TO A TENANT-WATER-
5 UTILITY-CUSTOMER ON AN ALLOCATED BASIS, THE RECIPIENT'S
6 ESTIMATED ANNUAL WATER AND WASTEWATER BILL, BASED ON
7 EVIDENCE OF PRIOR BILLINGS OCCURRING DURING THE TENANT
8 RECIPIENT'S CURRENT LEASE OR RENTAL-AGREEMENT TERM AND
9 EXCLUSIVE OF THE OWNER'S ADMINISTRATIVE CHARGES RELATED TO
10 THE ALLOCATION.

11 I = THE RECIPIENT'S ESTIMATED ANNUAL HOUSEHOLD INCOME.

12 A = AFFORDABILITY THRESHOLD, AS FOLLOWS:

13 (I) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS 50% OR LESS THAN
14 THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME GUIDELINES,
15 A EQUALS 1%;

16 (II) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS GREATER THAN
17 50% BUT ~~LESS~~ *NOT GREATER* THAN 100% OF THE FEDERAL
18 GOVERNMENT'S OFFICIAL POVERTY INCOME GUIDELINES, A EQUALS
19 2%; AND

20 (III) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS GREATER THAN
21 100% OF THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME
22 GUIDELINES, A EQUALS 3%.

23 (2) *NEGATIVE C.*

24 FOR ALL NEGATIVE VALUES OF C, THE WATER-FOR-ALL CREDIT IS ZERO DOLLARS.

25 (3) *PRORATION.*

26 THE 1ST ANNUAL WATER-FOR-ALL CREDIT SHALL BE PRORATED, ACCOUNTING FROM
27 THE DATE OF THE RECIPIENT'S ENROLLMENT IN THE PROGRAM.

28 (C) *CALCULATING INCOME.*

29 IN CALCULATING ANNUAL HOUSEHOLD INCOME FOR BOTH ELIGIBILITY AND AMOUNT OF
30 THE WATER-FOR-ALL CREDIT, THE DIRECTOR SHALL USE THE SAME COUNTABLE AND
31 NON-COUNTABLE INCOME SPECIFIED, IN COMAR 07.03.22.04, AS AMENDED FROM TIME
32 TO TIME, BY THE MARYLAND DEPARTMENT OF HUMAN RESOURCES FOR ITS "ELECTRIC
33 UNIVERSAL SERVICE PROGRAM".

Council Bill 18-0307

1 § 2-9. WATER-FOR-ALL PROGRAM – DISTRIBUTION OF CREDIT.

2 (A) *IN GENERAL.*

3 THE WATER-FOR-ALL CREDIT SHALL BE APPLIED TO THE WATER OR WASTEWATER BILL OR
4 SENT TO EACH RECIPIENT BY CHECK, AS FOLLOWS:

5 (1) DISTRIBUTION OF THE CREDIT SHALL BEGIN AS SOON AS PRACTICABLE AFTER THE
6 ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER APPLIES FOR THE
7 PROGRAM. BUT IN NO CASE MAY IT BE LATER THAN 90 DAYS AFTER THE
8 DEPARTMENT'S RECEIPT OF A COMPLETED APPLICATION THAT DEMONSTRATES A
9 CUSTOMER'S ELIGIBILITY FOR THE PROGRAM.

10 (2) THE CREDIT FOR A TENANT-WATER-UTILITY CUSTOMER WHOSE WATER AND
11 WASTEWATER UTILITY SERVICE IS MASTER-METERED AND BILLED TO THE
12 CUSTOMER BY THE OWNER ON AN ALLOCATED BASIS SHALL BE DISBURSED BY
13 CHECK PAYABLE TO THE TENANT-WATER-UTILITY CUSTOMER.

14 (3) CUSTOMERS MAY ELECT TO RECEIVE CREDITS DISBURSED ON A MONTHLY BASIS IN
15 AN AMOUNT EQUAL TO ONE-TWELFTH OF THE ANNUAL CREDIT.

16 (4) THE CREDIT SHALL BE APPLIED TO EACH SUBSEQUENT BILL UNTIL THE FULL
17 AMOUNT OF THE CREDIT IS EXHAUSTED.

18 (5) AT THE END OF EACH CALENDAR YEAR, FOR CUSTOMERS ELIGIBLE FOR THE
19 WATER-FOR-ALL DISCOUNT PROGRAM FOR THE FOLLOWING YEAR, THE DIRECTOR
20 SHALL APPLY ANY UNUSED CREDIT TO THE RECIPIENT'S BILLS FOR THE FOLLOWING
21 YEAR.

22 (B) *IN CASE OF SERVICE TERMINATION.*

23 WHEN A RECIPIENT TERMINATES SERVICE, THE UNUSED CREDIT SHALL BE DISPERSED
24 ACCORDING THE FOLLOWING PRIORITIES:

25 (1) WITHIN 45 DAYS OF TERMINATION, ~~THE DIRECTOR~~ THE DPW DIRECTOR OR
26 FINANCE DIRECTOR, AS THE CASE MAY BE, SHALL APPLY ANY UNUSED BALANCE
27 TO THE RECIPIENT'S ACCOUNT BILL BEFORE ANY OTHER CREDITS OR DEPOSITS ARE
28 APPLIED WHEN DETERMINING THE ACCOUNT BILL BALANCE DUE TO OR FROM THE
29 CUSTOMER.

30 (2) WHEN A RECIPIENT CHANGES HIS OR HER PRINCIPAL RESIDENCE TO A DIFFERENT
31 UNIT THAT IS PROVIDED WATER AND WASTEWATER SERVICES BY THE
32 DEPARTMENT, ANY UNUSED CREDIT SHALL BE TRANSFERRED TO THE RECIPIENT'S
33 NEW ACCOUNT BILL.

34 (3) ON THE DEATH OF A RECIPIENT, THE UNUSED CREDIT SHALL BE TRANSFERRED TO A
35 NEW ACCOUNT BILL OF A SURVIVING MEMBER OF THE DECEDENT'S HOUSEHOLD
36 WHO IS AN ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER IN HIS
37 OR HER OWN RIGHT.

Council Bill 18-0307

1 (4) WITHIN 60 DAYS OF TERMINATION, ~~THE DPW DIRECTOR SHALL RETURN TO THE~~
2 ~~FINANCE DIRECTOR~~ ANY UNUSED CREDIT THAT CANNOT BE TRANSFERRED AS
3 STATED IN THIS SUBSECTION SHALL BE RETURNED TO THE SELF-SUSTAINING
4 WATER FUND.

5 **§ 2-10. WATER-FOR-ALL PROGRAM – PROGRAM DENIALS.**

6 IF THE DIRECTOR DETERMINES ANY APPLICANT TO BE INELIGIBLE FOR THE WATER-FOR-ALL
7 CREDIT, THE DIRECTOR SHALL NOTIFY THE APPLICANT OF THIS DETERMINATION AND OF THE
8 APPLICANT'S RIGHT TO APPEAL UNDER § 2-21 {"OFFICE ... – APPEALS"} OF THIS SUBTITLE.

9 **§ 2-11. WATER-FOR-ALL PROGRAM – MIDYEAR INELIGIBILITY FOR CREDIT.**

10 (A) *MIDYEAR INELIGIBILITY DESCRIBED.*

11 THE WATER-FOR-ALL CREDIT IS CONFERRED BASED ON ANNUAL HOUSEHOLD INCOME FOR
12 THE CURRENT CALENDAR YEAR, AS ESTIMATED AT THE TIME OF APPLICATION. IF THE
13 RECIPIENT'S ACTUAL ANNUAL HOUSEHOLD INCOME FOR THE CURRENT CALENDAR YEAR
14 EXCEEDS THE ELIGIBILITY CRITERIA, THAT RECIPIENT WILL BECOME INELIGIBLE FOR THE
15 REMAINDER OF THE CALENDAR YEAR.

16 (B) *RECIPIENT TO NOTIFY DIRECTOR OF INCREASED INCOME.*

17 RECIPIENTS ARE REQUIRED TO NOTIFY THE DIRECTOR IMMEDIATELY IF THEIR ANNUAL
18 HOUSEHOLD INCOME EXCEEDS THE ELIGIBILITY CRITERIA.

19 (C) *DEPARTMENT TO RECOVER CREDITS DISTRIBUTED WHILE INELIGIBLE.*

20 THE FINANCE DEPARTMENT SHALL TAKE NECESSARY ACTION TO RECOVER, WHEN
21 APPROPRIATE, THE FULL AMOUNT OF WATER-FOR-ALL CREDITS DISTRIBUTED TO
22 BENEFICIARIES FOR ANY PERIOD OF INELIGIBILITY.

23 **§ 2-12. WATER-FOR-ALL PROGRAM – ENROLLMENT CONFIRMATION.**

24 ON A CUSTOMER'S ENROLLMENT INTO THE WATER-FOR-ALL DISCOUNT PROGRAM, THE
25 DEPARTMENT SHALL PROVIDE THE CUSTOMER WITH A WRITTEN STATEMENT THAT SETS
26 FORTH:

- 27 (1) THE ESTIMATED ANNUAL AND MONTHLY BILL WITHOUT THE WATER-FOR-ALL CREDIT;
- 28 (2) THE AMOUNT OF THE WATER-FOR-ALL CREDIT;
- 29 (3) THE ESTIMATED ANNUAL AND MONTHLY BILL WITH THE WATER-FOR-ALL CREDIT TO
30 BE APPLIED;
- 31 (4) THE MONTHLY BILL DUE DATE;
- 32 (5) THE AMOUNT OF PRE-WATER-FOR-ALL CREDIT ARREARS THAT WERE ACCRUED PRIOR
33 TO ENROLLMENT;

Council Bill 18-0307

1 (6) THE REQUIREMENT THAT ~~THE CUSTOMER PAY~~ BILLS ISSUED MUST BE PAID;

2 (7) A BRIEF EXPLANATION OF THE CONSEQUENCES OF NONPAYMENT;

3 (8) A BRIEF EXPLANATION OF THE ELIMINATION OF PRE-ENROLLMENT ARREARS ON TIMELY
4 PAYMENTS, AS PROVIDED IN § 2-13 {"WATER-FOR-ALL ... – PROGRAM ARREARS"} OF
5 THIS SUBTITLE;

6 (9) A BRIEF EXPLANATION OF THE DUTY TO REMAIN ELIGIBLE OR TO NOTIFY THE
7 DEPARTMENT IMMEDIATELY IF THE COSTUMER BECOMES INELIGIBLE; AND

8 (10) A BRIEF EXPLANATION OF THE ANNUAL RECERTIFICATION REQUIREMENT FOR
9 CONTINUED PARTICIPATION.

10 **§ 2-13. WATER-FOR-ALL PROGRAM – PROGRAM ARREARS.**

11 (A) *ON-TIME PAYMENTS.*

12 EACH ON-TIME PAYMENT BY A WATER-FOR-ALL DISCOUNT PROGRAM RECIPIENT SHALL
13 BE CREDITED TOWARDS THE RECIPIENT'S PRE-ENROLLMENT ARREARS IN THE AMOUNT OF
14 THE PAYMENT UNTIL ALL ARREARS ARE SATISFIED.

15 (B) *EXCESS PAYMENTS.*

16 ANY AMOUNT PAID FOR A BILL IN EXCESS OF THE RECIPIENT'S CURRENT WATER
17 LIABILITIES REDUCES THE BALANCE OF HIS OR HER PRE-ENROLLMENT ARREARS AND
18 REDUCES THE AMOUNT OF ON-TIME PAYMENTS THAT THE RECIPIENT WILL HAVE TO MAKE
19 TO SATISFY THOSE ARREARS

20 (C) *TIMELY PAYMENTS IN FULL - EFFECT OF MAKING.*

21 ONCE A RECIPIENT IS ENROLLED IN THE WATER-FOR-ALL DISCOUNT PROGRAM, TIMELY
22 PAYMENT IN FULL OF EACH BILL SATISFIES ALL OF A RECIPIENT'S CURRENT WATER
23 LIABILITIES, SO THAT THERE IS NO ADDITION TO ARREARS AFTER ENROLLMENT.

24 (D) *TIMELY PAYMENTS IN FULL - EFFECT OF FAILURE TO MAKE.*

25 A FAILURE TO MAKE TIMELY PAYMENTS IN FULL WILL ADD TO PRE-ENROLLMENT
26 ARREARS, SUBJECTING THEM TO POTENTIAL WATER CUT-OFF PURSUANT TO § 4-3 {"CUT-
27 OFF FOR NONPAYMENT"} OF THIS ARTICLE AND EXTENDING THE NUMBER OF ON-TIME
28 PAYMENTS THAT THE RECIPIENT WILL HAVE TO MAKE TO ELIMINATE ALL
29 PRE-ENROLLMENT ARREARS.

30 (E) *SERVICE RESTORATION AFTER CUT-OFF FOR NON-PAYMENT.*

31 IN THE EVENT THAT A RECIPIENT'S SERVICE IS TERMINATED FOR NON-PAYMENT OF BILLS
32 AFTER ENROLLMENT IN THE WATER-FOR-ALL DISCOUNT PROGRAM, THE RECIPIENT IS
33 ENTITLED TO IMMEDIATE RESTORATION OF SERVICE ON:

34 (1) THE RECIPIENT'S PAYMENT OF THOSE UNPAID BILLS; OR

Council Bill 18-0307

1 (II) THE RECIPIENT'S ENTRY INTO AN INSTALLMENT PAYMENT AGREEMENT WITH THE
2 DEPARTMENT FOR PAYMENT OF THOSE UNPAID BILLS.

3 (F) *NOTICE OF PROGRAM AND AVAILABLE INSTALLMENT PAYMENT AGREEMENT.*

4 THE DEPARTMENT SHALL NOTIFY ALL CUSTOMERS IN ARREARS OF THE AVAILABILITY OF
5 THE WATER-FOR-ALL PROGRAM AND OF THEIR ABILITY TO ENTER INTO AN INSTALLMENT
6 PAYMENT AGREEMENT PROGRAM PURSUANT TO § 4-5 {"INSTALLMENT PAYMENT
7 AGREEMENT"} OF THIS ARTICLE.

8 **§ 2-14. WATER-FOR-ALL PROGRAM – ANNUAL RECERTIFICATION OF ELIGIBILITY.**

9 (A) *IN GENERAL.*

10 NO LESS THAN 60 CALENDAR DAYS BEFORE THE END OF EACH CALENDAR YEAR, THE
11 DIRECTOR SHALL:

12 (1) NOTIFY ALL RECIPIENTS OF THEIR OBLIGATION TO RECERTIFY THEIR ELIGIBILITY
13 FOR THE PROGRAM; AND

14 (2) ALLOW EACH RECERTIFIED RECIPIENT TO RE-ENROLL IN PERSON, ONLINE, OR IN THE
15 MAIL.

16 (B) *EFFECT OF RECERTIFICATION.*

17 A RECIPIENT'S RECERTIFICATION OF ELIGIBILITY HAS THE SAME EFFECT AS IF THE
18 CUSTOMER HAD REAPPLIED.

19 (C) *EFFECT OF FAILURE TO RECERTIFY.*

20 A RECIPIENT'S FAILURE TO RECERTIFY ELIGIBILITY WITHIN 90 DAYS AFTER THE
21 NOTIFICATION RENDERS THE RECIPIENT INELIGIBLE TO CONTINUE IN THE PROGRAM,
22 SUBJECT TO REAPPLICATION.

23 **§ 2-15. WATER-FOR-ALL PROGRAM – PROGRAM DISPUTES.**

24 ANY APPLICANT OR RECIPIENT AGGRIEVED BY A DETERMINATION OF THE DEPARTMENT
25 UNDER THIS PROGRAM MAY APPEAL THAT DETERMINATION ~~TO THE OFFICE~~, AS PROVIDED
26 IN § 2-21 {"OFFICE ... – APPEALS"} OF THIS SUBTITLE.

27 **§ 2-16. {RESERVED}**

28 **§ 2-17. OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS – OFFICE ESTABLISHED;
29 NATURE, PURPOSES, PRIMARY FUNCTIONS.**

30 (A) *OFFICE ESTABLISHED.*

31 THERE IS AN OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS IN THE
32 DEPARTMENT OF PUBLIC WORKS.

Council Bill 18-0307

1 (B) *NATURE AND PURPOSES OF OFFICE.*

2 (1) THE OFFICE IS A NEUTRAL INTERMEDIARY CREATED TO PROMOTE FAIRNESS TO
3 CUSTOMERS DEALING WITH WATER AND WASTEWATER BILLING DISPUTES.

4 (2) THE PURPOSES OF THE OFFICE ARE:

5 (I) TO PROVIDE A PROBLEM-SOLVING RESOLUTION PROCESS FOR DISPUTES
6 BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS ABOUT
7 ~~WATER-FOR-ALL DISCOUNT PROGRAM DETERMINATIONS AND WATER AND~~
8 ~~WASTEWATER BILLINGS; AND WATER AND WASTEWATER BILLINGS, ASSISTANCE~~
9 ~~UNDER THE WATER-FOR-ALL DISCOUNT PROGRAM, AND ASSISTANCE UNDER ANY~~
10 ~~OTHER BALTIMORE WATER ASSISTANCE PROGRAMS; AND~~

11 (II) TO PROVIDE GUIDANCE ON BROADER RULES, REGULATIONS, POLICIES, AND
12 PROCEDURES OF THE DEPARTMENT THAT RELATE TO CUSTOMER ISSUES WITH
13 WATER AND WASTEWATER BILLINGS.

14 (3) THE OFFICE:

15 ~~(I) SHALL OPERATE INDEPENDENTLY AND OUTSIDE THE CONTROL OF THE~~
16 ~~DEPARTMENT OF PUBLIC WORKS; BUT~~

17 ~~(II)~~ IS ENTITLED TO THE FULL COOPERATION AND COLLABORATION OF THE
18 DEPARTMENT OF PUBLIC WORKS' STAFF AND CONTRACTORS, INCLUDING
19 ACCESS TO ALL CUSTOMER RECORDS AND THE ABILITY TO CONFER WITH
20 DEPARTMENT LEADERSHIP, STAFF, AND CONTRACTORS.

21 (C) *PRIMARY FUNCTIONS.*

22 THE OFFICE SERVES THE FOLLOWING THREE PRIMARY FUNCTIONS:

23 (1) SERVING AS A CUSTOMER ADVOCATE, BY CONDUCTING PROBLEM-SOLVING
24 INVESTIGATIONS AND IMPLEMENTING SOLUTIONS, INCLUDING:

25 (I) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO BILLING DISPUTES
26 BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS, EVEN IF
27 THE CUSTOMER HAS NOT YET EXHAUSTED OPTIONS FOR DISPUTE
28 RESOLUTION OFFERED BY THE DEPARTMENT;

29 (II) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO DISPUTES BETWEEN
30 CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS OVER WATER-FOR-
31 ALL DISCOUNT PROGRAM DETERMINATIONS OR OTHER DEPARTMENT
32 ACTIONS OR DECISIONS RELATED TO WATER AND WASTEWATER BILLING,
33 SERVICE CUT-OFFS, OR LACK OF NOTICE OF BILLING-RELATED ISSUES;

34 (III) CONNECTING CUSTOMERS TO COMPLEMENTARY SOCIAL SERVICES;

35 (IV) INVESTIGATING AND IMPROVING COMMUNICATIONS BETWEEN CUSTOMERS
36 AND THE DEPARTMENT OF PUBLIC WORKS, BY INVESTIGATING WHETHER

Council Bill 18-0307

1 NOTICES SHOULD BE IN OTHER LANGUAGES, ENSURING THAT COSTUMERS
2 RECEIVE TIMELY AND COMPLETE NOTICE OF PAYMENTS DUE, AND
3 ENSURING THAT CONSTUMERS RECEIVE TIMELY AND COMPLETE NOTICE OF
4 OPTIONS FOR REDUCING PAYMENTS UNDER ALL EXISTING PROGRAMS; AND

5 (V) ADJUSTING CUSTOMER BILLS WHEN WARRANTED;

6 (2) CONDUCTING APPEALS HEARINGS ON REQUEST OF AGGRIEVED CUSTOMERS AFTER A
7 PROBLEM-SOLVING DETERMINATION HAS BEEN MADE; AND

8 (3) REPORTING AT LEAST SEMI-ANNUALLY TO THE COMMITTEE FOR OFFICE
9 OVERSIGHT ESTABLISHED UNDER § 2-24 {"OFFICE ... - COMMITTEE FOR OFFICE
10 OVERSIGHT"} OF THIS SUBTITLE, ON:

11 (I) OFFICE OPERATIONS AND ACTIVITIES, INCLUDING:

12 (A) DATA ON THE OFFICE'S CUSTOMER-ADVOCACY INVESTIGATION
13 AND PROBLEM-SOLVING EFFORTS AND ITS APPEALS FUNCTION; AND

14 (B) EXAMPLES OF COMMON CUSTOMER COMPLAINTS, THE METHODS BY
15 WHICH THE DEPARTMENT OF PUBLIC WORKS ADDRESSES THOSE
16 COMPLAINTS, AN ASSESSMENT OF THOSE METHODS, AND
17 RECOMMENDATIONS FOR ALTERNATIVE APPROACHES; AND

18 (II) RECOMMENDATIONS THAT THE OFFICE HAS FOR:

19 (A) CHANGES TO THE DEPARTMENT'S RULES, REGULATIONS, POLICIES,
20 OR PROCEDURES THAT WILL PROMOTE FAIRNESS TO CUSTOMERS
21 AND RESOLVE CUSTOMER CONCERNS;

22 (B) TASK FORCES AND ADDITIONAL OFFICE STAFF; AND

23 (C) ANY OTHER OPTIONS FOR PROMOTING FAIRNESS TO CUSTOMERS
24 AND RESOLVING CUSTOMER CONCERNS.

25 **§ 2-18. OFFICE OF CUSTOMER ADVOCACY . . . – ADMINISTRATION.**

26 (A) *OFFICE ADMINISTRATOR.*

27 THE HEAD OF THE OFFICE, WHO SHALL SUPERVISE AND DIRECT THE OFFICE'S PERSONNEL
28 AND OPERATIONS, IS THE OFFICE ADMINISTRATOR, TO BE APPOINTED BY THE MAYOR IN
29 ACCORDANCE CITY CHARTER ARTICLE IV, § 6.

30 (B) *OFFICE STAFF.*

31 THE OFFICE ADMINISTRATOR MAY APPOINT THE OFFICE'S CUSTOMER ADVOCATES,
32 ~~APPEALS OFFICERS~~, AND SUPPORTING STAFF, AS PROVIDED IN THE ORDINANCE OF
33 ESTIMATES.

Council Bill 18-0307

1 (C) *QUALIFICATIONS OF OFFICE OFFICIALS.*

2 THE OFFICE'S ADMINISTRATOR, AND CUSTOMER ADVOCATES, ~~AND APPEALS OFFICERS~~
3 MUST:

- 4 (1) BE IMPARTIAL;
- 5 (2) BE KNOWLEDGEABLE ABOUT WATER AND WASTEWATER SERVICES, WATER USAGE,
6 BILLING PRACTICES, AND BILLING PROCEDURES; AND
- 7 (3) HAVE SUBSTANTIAL EXPERIENCE IN DISPUTE RESOLUTION, CONSUMER
8 PROTECTION, AND THE DELIVERY OF PUBLIC SERVICES.

9 (D) *SALARY; BENEFITS.*

- 10 (1) THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, ~~APPEALS OFFICERS~~, AND
11 SUPPORTING STAFF ARE ENTITLED TO COMPENSATION AS PROVIDED IN THE
12 ORDINANCE OF ESTIMATES.
- 13 (2) THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, ~~APPEALS OFFICERS~~, AND
14 SUPPORTING STAFF ARE ENTITLED TO PARTICIPATE IN ANY CITY-SPONSORED BENEFITS
15 PROGRAM TO THE SAME EXTENT AND UNDER THE SAME TERMS AS OTHER CITY
16 OFFICERS AND EMPLOYEES.

17 **§ 2-19. OFFICE OF CUSTOMER ADVOCACY ... – REQUEST FOR ASSISTANCE.**

18 A CUSTOMER MAY SEEK OFFICE ASSISTANCE BY SUBMITTING A WRITTEN OR ORAL REQUEST TO
19 THE DEPARTMENT OR TO THE OFFICE WITHIN 90 CALENDAR DAYS OF ANY DISPUTED WATER-
20 FOR-ALL DISCOUNT PROGRAM DETERMINATION OR OTHER DEPARTMENT ACTION OR DECISION
21 RELATED TO WATER AND WASTEWATER BILLING, SERVICE CUT-OFFS, OR LACK OF NOTICE OF
22 BILLING-RELATED ISSUES.

23 **§ 2-20. OFFICE OF CUSTOMER ADVOCACY ... – CUSTOMER-ADVOCACY SERVICES.**

24 (A) *REFERRAL TO CUSTOMER-ADVOCACY SERVICES.*

25 WHENEVER A CUSTOMER ASKS THE DEPARTMENT FOR ASSISTANCE UNDER § 2-19
26 {"OFFICE ... - REQUEST FOR ASSISTANCE"}, THE DEPARTMENT SHALL IMMEDIATELY:

- 27 (1) NOTIFY THE CUSTOMER OF THE CUSTOMER'S RIGHT TO ACCESS THE OFFICE'S
28 CUSTOMER-ADVOCACY PROBLEM-SOLVING SERVICES; AND
- 29 (2) FORWARD THE CUSTOMER'S REQUEST FOR ASSISTANCE TO THE OFFICE.

30 (B) *INVESTIGATION BY CUSTOMER ADVOCATE.*

- 31 (1) IN ORDER TO RESOLVE A BILLING OR OTHER DISPUTE, A CUSTOMER ADVOCATE MAY:
- 32 (I) INVESTIGATE THE COMPUTATION OF WATER CHARGES FOR ACCURACY;

Council Bill 18-0307

1 (II) INVESTIGATE METER READING FOR POSSIBLE MISCALCULATIONS OR
2 MALFUNCTION;

3 (III) INVESTIGATE WHETHER THE AMOUNT BILLED IS ERRONEOUS BASED ON
4 HOUSEHOLD SIZE, BILLING CYCLE, AMOUNT OF REPORTED USAGE, OR OTHER
5 RELEVANT FACTORS;

6 (IV) CONSIDER WHETHER REPORTED METER READINGS ARE SO UNREASONABLY
7 HIGH AS TO BE PRIMA FACIE EVIDENCE THAT THE METER IS INCORRECT;

8 (V) FACILITATE A SEARCH FOR LEAKS ON THE CUSTOMER'S PREMISES AND NEARBY
9 CITY PROPERTY; AND

10 (VI) MAKE A REASONABLE INVESTIGATION OF ANY MATERIAL FACTS AND CLAIMS
11 ASSERTED BY THE CUSTOMER AS TO THE CAUSE OF THE ERRONEOUS BILL OR
12 DEPARTMENT DECISION.

13 (2) BOTH THE CUSTOMER AND THE DEPARTMENT OF PUBLIC WORKS SHALL COMPLY WITH
14 A CUSTOMER ADVOCATE'S REQUESTS FOR INFORMATION AND SCHEDULING. ON
15 REQUEST OF THE OFFICE, STAFF AND CONTRACTORS OF THE DEPARTMENT SHALL
16 PERFORM TESTS AND OTHERWISE USE THEIR EXPERTISE TO ASSIST IN INVESTIGATION
17 AND PROBLEM-SOLVING FUNCTIONS.

18 (C) *EXAMPLES OF POTENTIAL RELIEF AVAILABLE.*

19 (1) *IN GENERAL.*

20 A CUSTOMER ADVOCATE MAY GRANT APPROPRIATE EQUITABLE RELIEF TO A
21 CUSTOMER, INCLUDING:

22 ~~(I) THE REFUND OF A PAYMENT MADE FOR WATER AND WASTEWATER USAGE~~
23 ~~CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY~~
24 ~~CHARGEABLE;~~

25 ~~(II) THE REDUCTION OF AS-YET UNPAID WATER AND WASTEWATER USAGE~~
26 ~~CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY~~
27 ~~CHARGEABLE; OR~~

28 (I) THE CHANGE OF AN AMOUNT DUE ON A BILL FOR WATER OR WASTEWATER; OR

29 (II) ~~(III)~~ THE REVERSAL OF A DEPARTMENT DECISION.

30 (2) *LIMITATION.*

31 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTIGLE, A CUSTOMER
32 ADVOCATE MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL-
33 OR TENANT-WATER-UTILITY CUSTOMER.

Council Bill 18-0307

1 (D) *ADVOCATE'S REPORT.*

2 (1) *IN GENERAL.*

3 AFTER COMPLETION OF AN INVESTIGATION, THE CUSTOMER ADVOCATE SHALL:

4 (I) ISSUE A WRITTEN REPORT CONTAINING A DESCRIPTION OF THE INVESTIGATION
5 AND A STATEMENT OF:

6 (A) THE LAW AND FACTS;

7 (B) THE RESULTS OF THE INVESTIGATION;

8 (C) ANY RELIEF GRANTED OR DENIED; AND

9 (D) AN EXPLANATION FOR THAT DETERMINATION;

10 (II) MAIL A COPY OF THE REPORT TO THE DEPARTMENT AND TO THE CUSTOMER AT
11 THE CUSTOMER'S LAST-KNOWN ADDRESS; AND

12 (III) KEEP ALL RECORDS OF THE INVESTIGATION AND THE REPORT.

13 (2) *BILL ADJUSTMENT.*

14 IF THE REPORT CONCLUDES THAT THE CUSTOMER'S BILL NEEDS TO BE ADJUSTED, THE
15 FINANCE DEPARTMENT SHALL PROMPTLY ISSUE AN AMENDED BILL TO THE CUSTOMER.

16 (3) *NOTICE OF RIGHT TO APPEAL.*

17 (I) THE REPORT SHALL NOTIFY THE CUSTOMER OF HIS OR HER RIGHT TO APPEAL THE
18 RESULTS OF THE INVESTIGATIVE REPORT.

19 (II) THE NOTICE SHALL CONTAIN:

20 (A) THE DEADLINES FOR AND METHODS OF FILING THE APPEAL; AND

21 (B) THE PROCEDURES BY WHICH THE APPEAL WILL BE HEARD.

22 **§ 2-21. OFFICE OF CUSTOMER ADVOCACY . . . – APPEALS.**

23 (A) INDEPENDENT REVIEW BY THIRD-PARTY HEARING OFFICER.

24 DPW SHALL CONTRACT WITH THE ENVIRONMENTAL CONTROL BOARD TO MAKE AVAILABLE
25 HEARING OFFICERS TO PROVIDE AN INDEPENDENT REVIEW OF CUSTOMER APPEALS FROM A
26 CUSTOMER ADVOCATE'S INVESTIGATIVE REPORT.

Council Bill 18-0307

1 ~~(B)~~ ~~(A)~~ *CUSTOMER'S RIGHT TO APPEAL.*

2 (1) A CUSTOMER IS ENTITLED TO FILE AN APPEAL WITH THE ~~OFFICE~~ ENVIRONMENTAL
3 CONTROL BOARD WITHIN 30 CALENDAR DAYS OF RECEIPT OF A CUSTOMER
4 ADVOCATE'S INVESTIGATIVE REPORT.

5 (2) THE APPEAL MUST BE FILED:

6 (I) IN-PERSON, AT AN ADDRESS DESIGNATED BY THE ~~DEPARTMENT~~
7 ENVIRONMENTAL CONTROL BOARD;

8 (II) ELECTRONICALLY, IN A FORMAT APPROVED BY THE ~~DEPARTMENT~~
9 ENVIRONMENTAL CONTROL BOARD; OR

10 (III) BY FIRST-CLASS MAIL, POSTMARKED WITHIN 30 CALENDAR DAYS OF RECEIPT
11 OF THE REPORT.

12 ~~(C)~~ ~~(B)~~ *OFFICE BOARD TO PROMPTLY SCHEDULE HEARING.*

13 (1) WITHIN 30 DAYS OF THE FILING OF AN APPEAL, THE ~~OFFICE~~ ENVIRONMENTAL CONTROL
14 BOARD SHALL:

15 (I) PROMPTLY SCHEDULE AN IN-PERSON HEARING WITH AN ~~APPEALS OFFICER~~ A
16 HEARING OFFICER; AND

17 (II) NOTIFY THE ~~DEPARTMENT~~, THE CUSTOMER, AND THE CUSTOMER ADVOCATE
18 OF THE DATE, TIME, AND LOCATION OF THE HEARING.

19 (2) THE CUSTOMER MUST BE GIVEN AT LEAST 15 CALENDAR DAYS NOTICE OF THE
20 HEARING'S DATE, TIME, AND LOCATION.

21 ~~(D)~~ ~~(C)~~ *CUSTOMER'S PREROGATIVES.*

22 AT THE HEARING, THE CUSTOMER IS ENTITLED TO:

23 (1) REPRESENT HIM- OR HERSELF OR BE REPRESENTED BY AN ATTORNEY;

24 (2) PRESENT HIS OR HER CASE WITH EVIDENCE;

25 (3) SUBMIT EVIDENCE IN REBUTTAL; AND

26 (4) CONDUCT CROSS-EXAMINATION.

27 ~~(E)~~ ~~(D)~~ *CUSTOMER ADVOCATE TO APPEAR AT HEARING.*

28 AT THE HEARING, THE CUSTOMER ADVOCATE SHALL APPEAR AND MAY BE QUESTIONED
29 BY THE CUSTOMER, THE ~~DEPARTMENT~~, AND THE ~~APPEALS OFFICER~~ HEARING OFFICER.

Council Bill 18-0307

1 ~~(F)~~ ~~(E)~~ CONDUCT OF HEARING.

2 (1) HEARINGS SHALL BE CONDUCTED IN A FULL, FAIR, IMPARTIAL, AND ORDERLY MANNER.

3
4 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW, FORMAL RULES OF EVIDENCE AND TRIAL
5 PROCEDURES DO NOT APPLY.

6 (3) THE HEARING SHALL BE FILMED, AUDIO RECORDED, OR TRANSCRIBED.

7 (4) ~~(1)~~ TO FACILITATE THE RESOLUTION OF AN APPEAL, THE ~~APPEALS OFFICER~~ HEARING
8 OFFICER MAY:

9 (I) ADMINISTER OATHS AND AFFIRMATIONS;

10 (II) EXAMINE WITNESSES AND TAKE TESTIMONY;

11 (III) ISSUE SUMMONSES AND SUBPOENAS, ESPECIALLY THOSE REQUESTED BY THE
12 CUSTOMER OR THE DEPARTMENT AND RECEIVED BY THE ~~APPEALS OFFICER~~
13 HEARING OFFICER AT LEAST 7 DAYS BEFORE THE HEARING;

14 (IV) REQUEST INVESTIGATIVE REPORTS PREPARED BY THE CUSTOMER ADVOCATE
15 AND ANY RELEVANT DEPARTMENT RECORDS OR INFORMATION;

16 (V) REGULATE THE COURSE AND CONDUCT OF HEARINGS, WHICH SHALL BE
17 CONDUCTED:

18 (A) INFORMALLY, IN A MANNER TO ASCERTAIN THE SUBSTANTIAL RIGHTS
19 OF THE CUSTOMER AND THE DEPARTMENT; AND

20 (B) WITHOUT THE ~~APPEALS OFFICER'S~~ HEARING OFFICER'S BEING BOUND
21 BY COMMON LAW OR STATUTORY RULES AS TO THE ADMISSIBILITY OF
22 EVIDENCE OR BY TECHNICAL RULES OF PROCEDURE;

23 (VI) CONSIDER WHETHER REPORTED METER READINGS ARE SO UNREASONABLY
24 HIGH AS TO BE PRIMA FACIE EVIDENCE THAT THE METER IS ~~INCORRECT~~ NOT
25 FUNCTIONING PROPERLY OR IS THE WRONG SIZE;

26 ~~(VII)~~ HOLD CONFERENCES, BEFORE OR DURING A HEARING;

27 ~~(VII)~~ ~~(VIII)~~ RULE ON MOTIONS OR INFORMAL REQUESTS; AND

28 ~~(VIII)~~ ~~(IX)~~ CONTINUE ANY HEARING AS DEEMED NECESSARY FOR THE EFFICIENT
29 DISPOSITION OF THE MATTER, BUT THE HEARING OFFICER MAY NOT RECEIVE EX
30 PARTE, DIRECTLY OR INDIRECTLY, ANY ADDITIONAL EVIDENCE OR
31 COMMUNICATION REGARDING THE MERITS OF ANY ISSUE IN THE MATTER DURING
32 THE CONTINUANCE.

Council Bill 18-0307

1 (G) (F) APPEALS OFFICER'S HEARING OFFICER'S PROPOSED DECISION.

2 (1) AFTER THE HEARING HAS CONCLUDED, THE ~~APPEALS OFFICER~~ HEARING OFFICER
3 SHALL ISSUE A WRITTEN ~~FINAL~~ PROPOSED DECISION, INCLUDING A STATEMENT OF
4 MATERIAL FACTS AND CONCLUSIONS OF LAW.

5 (2) THE PROPOSED DECISION:

6 (I) SHALL BE BASED ON CONSIDERATION OF THE ENTIRE RECORD;

7 (II) MAY INCLUDE THE FORMS OF RELIEF SPECIFIED IN § 2-20(C) {"OFFICE ... -
8 CUSTOMER-ADVOCACY SERVICES: EXAMPLES OF POTENTIAL RELIEF"} OF
9 THIS SUBTITLE; AND

10 (III) MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL- OR
11 TENANT-WATER-UTILITY CUSTOMER.

12 (3) THE ~~APPEALS OFFICER'S~~ HEARING OFFICER'S ~~FINAL~~ PROPOSED DECISION SHALL BE
13 COMMUNICATED BY MAIL TO THE CUSTOMER AND TO THE DPW DIRECTOR NO LATER
14 THAN 30 DAYS AFTER THE HEARING, UNLESS THE CUSTOMER AGREES IN WRITING TO A
15 LONGER PERIOD.

16 (4) THE ~~APPEALS OFFICER'S FINAL DECISION IS THE FINAL ADMINISTRATIVE DECISION OF~~
17 ~~THE CITY.~~

18 (H) REVIEW AND FINAL DECISION OR REMAND BY DIRECTOR.

19 (1) PROMPTLY ON RECEIPT OF THE HEARING OFFICER'S PROPOSED DECISION, THE DPW
20 DIRECTOR:

21 (I) SHALL REVIEW THE PROPOSED DECISION AND THE ADMINISTRATIVE RECORD OF
22 THE DISPUTE; AND

23 (II) SHALL:

24 (A) ISSUE A FINAL AGENCY DECISION THAT:

25 I. ADOPTS THE HEARING OFFICER'S PROPOSED DECISION; OR

26 II. MODIFIES THE HEARING OFFICER'S PROPOSED DECISION AND, IN
27 WRITING:

28 1. SPECIFIES EACH OF THE DIRECTOR'S MODIFICATIONS; AND

29 2. EXPLAINS THE REASONS FOR EACH MODIFICATION; OR

30 (B) IF THE HEARING OFFICER'S PROPOSED DECISION FAILS TO PROVIDE
31 SUFFICIENT INFORMATION ON WHICH TO RENDER A FINAL DECISION, ISSUE AN
32 ORDER THAT DESCRIBES THE DEFICIENCY AND REMANDS THE MATTER TO THE
33 HEARING OFFICER FOR FURTHER PROCEEDINGS.

Council Bill 18-0307

1 (2) THE DIRECTOR SHALL PROMPTLY SERVE A COPY OF THE FINAL AGENCY DECISION OR THE
2 REMAND ORDER, AS THE CASE MAY BE, ON EACH PARTY TO THE PROCEEDING AND, IF NOT A
3 PARTY, ON THE OWNER OF THE PROPERTY.

4 ~~(1) (G) JUDICIAL AND APPELLATE REVIEW.~~

5 (1) JUDICIAL REVIEW.

6 A CUSTOMER OR OTHER PARTY AGGRIEVED BY A FINAL DECISION UNDER THIS SECTION
7 MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT
8 FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

9 (2) APPELLATE REVIEW.

10 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S CIRCUIT COURT'S FINAL
11 JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE
12 MARYLAND RULES OF PROCEDURE.

13 **§ 2-22. OFFICE OF CUSTOMER ADVOCACY . . . – NO INTERRUPTION OF SERVICE OR RIGHTS**
14 **PENDING REVIEWS, ETC.**

15 ~~(A) SERVICE CUT-OFF:~~

16 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE DEPARTMENT MAY NOT
17 CUT OFF WATER OR WASTEWATER SERVICE BECAUSE OF A DELINQUENCY OR ARREARAGE
18 THAT IS THE SUBJECT OF A PENDING REQUEST, MADE IN GOOD FAITH, FOR OFFICE
19 INVESTIGATION, REVIEW, OR APPEAL, OR FOR JUDICIAL OR APPELLATE REVIEW OF A
20 BILLING DISPUTE.

21 ~~(B) STAY OF WRIT OR WARRANT ON JUDGMENT:~~

22 ~~IF A DELINQUENCY OR AN ARREARAGE SUBJECT TO A PENDING REQUEST, MADE IN GOOD~~
23 ~~FAITH, FOR OFFICE INVESTIGATION, REVIEW, OR APPEAL, OR FOR JUDICIAL OR APPELLATE~~
24 ~~REVIEW IS REDUCED TO JUDGMENT IN A CIVIL ACTION OR IN AN ACTION FOR POSSESSION,~~
25 ~~THE DEPARTMENT OF PUBLIC WORKS SHALL REQUEST THAT THE SHERIFF'S OFFICE NOT~~
26 ~~EXECUTE ANY WRIT OR WARRANT TO ENFORCE THE JUDGMENT UNTIL THE INVESTIGATION,~~
27 ~~REVIEW, OR APPEAL IS EXHAUSTED.~~

28 **§ 2-23. OFFICE OF CUSTOMER ADVOCACY . . . — DISPUTED BILLS NOT CONSIDERED UNPAID.**

29 WATER AND WASTEWATER CHARGES THAT ARE THE SUBJECT OF A PENDING OFFICE
30 INVESTIGATION, REVIEW, OR APPEAL, OR PENDING JUDICIAL OR APPELLATE REVIEW,
31 REQUESTED BY THE CUSTOMER IN GOOD FAITH:

32 (1) MAY NOT BE CONSIDERED UNPAID OR IN ARREARS;

33 (2) MAY NOT SERVE AS THE BASIS FOR A LIEN AGAINST THE PROPERTY; AND

34 (3) STAY ANY PROSPECTIVE OR PENDING TAX SALE UNDER STATE TAX PROPERTY
35 ARTICLE § 14-849.1 AND § 14-811.

Council Bill 18-0307

1 ~~§ 2-23~~ **§ 2-24. OFFICE OF CUSTOMER ADVOCACY . . . – COMMITTEE FOR OFFICE**
2 **OVERSIGHT.**

3 (A) *COMMITTEE ESTABLISHED.*

4 THERE IS A COMMITTEE FOR OFFICE OVERSIGHT.

5 (B) *COMPOSITION.*

6 THE COMMITTEE COMPRISES THE FOLLOWING 7 MEMBERS:

- 7 (1) THE INSPECTOR GENERAL OR THE INSPECTOR GENERAL'S DESIGNEE;
8 (2) THE CITY AUDITOR OR THE CITY AUDITOR'S DESIGNEE;
9 (3) THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE;
10 (4) THE CITY COUNCIL PRESIDENT OR THE PRESIDENT'S DESIGNEE; AND
11 (5) 3 CITY COUNCILMEMBERS, APPOINTED BY THE CITY COUNCIL PRESIDENT.

12 (C) *OFFICERS.*

13 THE COMMITTEE:

- 14 (1) SHALL ELECT ONE OF ITS MEMBERS TO SERVE AS THE CHAIR OF THE COMMITTEE;
15 AND
16 (2) MAY ELECT FROM AMONG ITS MEMBERS ANY OTHER OFFICERS THAT THE
17 COMMITTEE CONSIDERS NECESSARY OR APPROPRIATE.

18 (D) *MEETINGS, QUORUM, ETC.*

- 19 (1) THE COMMITTEE SHALL MEET AT THE CALL OF THE CHAIR OR AT THE CALL OF A
20 MAJORITY OF COMMITTEE MEMBERS, AS FREQUENTLY AS REQUIRED TO PERFORM ITS
21 DUTIES.
22 (2) 4 MEMBERS OF THE COMMITTEE CONSTITUTE A QUORUM FOR THE TRANSACTION OF
23 BUSINESS.
24 (3) AN AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS IS NEEDED FOR ANY OFFICIAL ACTION.
25 (4) ALL MEETINGS OF THE COMMISSION MUST BE CONDUCTED IN ACCORDANCE WITH THE
26 STATE OPEN MEETINGS ACT (STATE GENERAL PROVISIONS ARTICLE, TITLE 3).

27 (E) *OVERSIGHT DUTIES.*

28 THE COMMITTEE SHALL:

Council Bill 18-0307

1 (1) REVIEW AND EVALUATE THE ACTIVITIES AND OPERATIONS OF THE OFFICE,
2 INCLUDING THE PERFORMANCE OF ITS CUSTOMER-ADVOCACY PROBLEM-SOLVING
3 SERVICES AND ITS APPEALS FUNCTION;

4 (2) PROVIDE ADVICE AND GUIDANCE TO THE OFFICE AND RECOMMEND NEW OR
5 MODIFIED POLICIES AND PROCEDURES THAT THE COMMITTEE CONSIDERS
6 NECESSARY OR APPROPRIATE FOR THE MORE EFFECTIVE OPERATION OF THE
7 OFFICE; AND

8 (3) TO THESE ENDS, HOLD AT LEAST 2 PUBLICLY ADVERTISED HEARINGS A YEAR AT
9 WHICH:

10 (I) THE OFFICE ADMINISTRATOR SHALL APPEAR AND REPORT ON:

11 (A) THE STATUS OF OFFICE ACTIVITIES AND OPERATIONS; AND

12 (B) THE OFFICE'S RECOMMENDATIONS FOR CHANGES NECESSARY OR
13 APPROPRIATE TO FURTHER PROMOTE FAIRNESS TO CUSTOMERS AND
14 RESOLVING CUSTOMER CONCERNS; AND

15 (II) THE PUBLIC MAY ATTEND AND TESTIFY ON THE EFFICACY OF THE OFFICE'S
16 ACTIVITIES AND OPERATIONS AND ANY NEED FOR FURTHER MODIFICATIONS
17 TO THESE ACTIVITIES AND OPERATIONS.

18 **SUBTITLE 4. COLLECTION OF CHARGES**

19 **§ 4-2. Metered water charges and fire supply service inspection charges.**

20 (a) *When due.*

21 Metered water charges and fire supply service inspection charges are due and payable
22 when the bills for them have been rendered.

23 (b) *When delinquent.*

24 [Any] EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ANY metered water charges and
25 fire supply service inspection charges unpaid 20 days after the issue date of the bill are
26 considered delinquent, and all water service are subject to turn-off for nonpayment of
27 those charges at any time.

28 (c) *Penalties.*

29 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:

30 (I) [A] a penalty at the rate of 1.64% of the water charge and fire supply service
31 inspection charge shall be added to every metered water charge and fire supply
32 service inspection charge at the time they become delinquent[.];AND

Council Bill 18-0307

1 (II) [(2) An] AN additional penalty of 1.64% shall be imposed on all charges,
2 including accrued penalties, which remain unpaid and are forwarded as
3 arrearages on subsequent bills.

4 (2) RECIPIENTS OF THE WATER-FOR-ALL DISCOUNT PROGRAM ARE NOT LIABLE FOR ANY
5 PENALTIES IMPOSED UNDER THIS SUBSECTION WHILE ENROLLED IN THE PROGRAM.

6 **§ 4-3. Cut-off for nonpayment.**

7 (A) *IN GENERAL.*

8 SUBJECT TO SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, [The non-payment of any
9 delinquent water charge against a property] AN ACCOUNT BALANCE OF \$250 OR MORE AND
10 2 BILLING CYCLES PAST DUE is sufficient reason for SENDING A CUT-OFF NOTICE FOR
11 [terminating] all water service, even though other water charges against the property are
12 not in arrears.

13 (B) *TIMING.*

14 (1) PRIOR TO ANY CUT-OFF FOR DELINQUENCY OF PAYMENT, THE DIRECTOR OF PUBLIC
15 WORKS SHALL, AT LEAST 45 DAYS PRIOR TO THE EARLIEST DATE ON WHICH SERVICE
16 WILL BE CUT-OFF, PROVIDE NOTICE AS REQUIRED BY SUBSECTION (D) OF THIS SECTION.

17 (2) CUT-OFFS MAY BE PERFORMED:

18 (I) ONLY MONDAY THROUGH THURSDAY;

19 (II) ONLY WHEN NO HEAT OR COLD ADVISORY ISSUED BY THE CITY HEALTH
20 DEPARTMENT IS IN EFFECT; AND

21 (III) FOR RESIDENTIAL AND MULTI-UNIT LOCATIONS, ONLY FROM MARCH 1
22 THROUGH OCTOBER 31.

23 (3) THE DEPARTMENT MAY NOT CUT OFF WATER MORE THAN 90 CALENDAR DAYS AFTER
24 THE CUT-OFF NOTICE, UNLESS IT HAS ISSUED A NEW CUT-OFF NOTICE IN THE MANNER
25 REQUIRED BY SUBSECTION (D) OF THIS SECTION.

26 (C) *EXCEPTION FOR FIRE SERVICE.*

27 FIRE SERVICE MAY NOT BE CUT OFF FOR NONPAYMENT.

28 (D) *NOTICE.*

29 EACH NOTICE:

30 (1) SHALL BE SERVED BOTH BY CERTIFIED MAIL AND BY POSTING ON THE FRONT
31 ENTRANCE TO THE CUSTOMER'S PREMISES; AND

32 (2) SHALL CLEARLY STATE:

Council Bill 18-0307

- 1 (I) THE EARLIEST DATE ON WHICH SERVICE MAY BE CUT OFF;
- 2 (II) THE REASONS FOR THE CUT-OFF;
- 3 (III) THE ACTIONS THAT THE CUSTOMER MUST TAKE TO AVOID SERVICE
4 CUT-OFF, INCLUDING THE TOTAL AMOUNT REQUIRED TO BE PAID AND THE
5 DATE BY WHICH THAT PAYMENT MUST BE MADE;
- 6 (IV) THE ADDRESS AND TELEPHONE NUMBER OF A DEPARTMENT
7 REPRESENTATIVE THAT THE CUSTOMER MAY CONTACT IN REFERENCE TO
8 THE ACCOUNT;
- 9 (V) THE PROCEDURES SPECIFIED IN § 2-19 {"OFFICE ... – REQUEST FOR
10 ASSISTANCE"} AND § 2-21 {"OFFICE ... – APPEALS"} OF THIS ARTICLE TO
11 REQUEST OFFICE ASSISTANCE AND SUBSEQUENT APPEAL;
- 12 (VI) THE EXCEPTIONS SET FORTH IN SUBSECTIONS (C) AND (F) OF THIS SECTION;
- 13 (VII) THAT ANY PAYMENT MADE BY CHECK OR DRAFT THAT IS SUBSEQUENTLY
14 DISHONORED DOES NOT CONSTITUTE PAYMENT AND WILL ENTITLE THE
15 DEPARTMENT TO CUT OFF SERVICE WITHOUT FURTHER NOTICE;
- 16 (VIII) A DESCRIPTION OF THE ACTIONS THAT THE CUSTOMER MUST TAKE TO
17 ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT, AS SET FORTH IN
18 § 4-5 {"INSTALLMENT PAYMENT AGREEMENT"} OF THIS SUBTITLE; AND
- 19 (IX) A DESCRIPTION OF THE WATER-FOR-ALL DISCOUNT PROGRAM AND THE
20 ACTIONS THAT THE CUSTOMER MUST TAKE TO APPLY.

21 (E) *VERIFICATION.*

22 ON THE DAY THAT SERVICE WILL BE CUT-OFF, THE DIRECTOR SHALL VERIFY THAT THE
23 CUSTOMER HAS NOT TAKEN ANY ACTION AND IS NOT OTHERWISE QUALIFIED UNDER
24 SUBSECTIONS (C) AND (F) OF THIS SECTION TO AVOID SERVICE CUT-OFF.

25 (F) *NO CUT-OFF UNDER CERTAIN CONDITIONS.*

26 THE DEPARTMENT MAY NOT CUT OFF SERVICE IF, PRIOR TO THE TIME THAT CUT-OFF IS TO
27 TAKE PLACE:

- 28 (1) WITH RESPECT TO ANY CHARGES GIVING RISE TO THE CUT-OFF, THE CUSTOMER
29 REQUESTS, IN GOOD FAITH, OFFICE ASSISTANCE UNDER § 2-19 {"OFFICE ... –
30 REQUEST FOR ASSISTANCE"} OF THIS ARTICLE.
- 31 (2) THE CUSTOMER PRODUCES A WRITTEN RECORD OF PAYMENT IN FULL OF ALL
32 DELINQUENT CHARGES THAT GAVE RISE TO THE CUT-OFF NOTICE;
- 33 (3) THE CUSTOMER PAYS THE FULL AMOUNT DEMANDED IN THE CUT-OFF NOTICE;

Council Bill 18-0307

- 1 (4) THE CUSTOMER OFFERS TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT,
2 IN ACCORDANCE WITH § 4-5 {"INSTALLMENT PAYMENT AGREEMENT"} OF THIS
3 SUBTITLE AND, WITHIN 3 DAYS, EXECUTES THE AGREEMENT AND PAYS THE DOWN
4 PAYMENT OR INITIAL INSTALLMENT;
- 5 (5) THE CUSTOMER HAS SUBMITTED AN APPLICATION FOR THE WATER-FOR-ALL
6 DISCOUNT PROGRAM AND A DETERMINATION OF ELIGIBILITY IS PENDING;
- 7 (6) THE CUSTOMER INDICATES THAT THE CUSTOMER HAS A SIGNIFICANT MEDICAL
8 CONDITION, AS CERTIFIED IN WRITING BY A LICENSED MEDICAL DOCTOR, NURSE
9 PRACTITIONER, PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY DEPARTMENT OF
10 HEALTH, INDICATING THAT THE ABSENCE OF WATER SERVICE AT THE SUBJECT
11 RESIDENTIAL PREMISES WILL AGGRAVATE THE EXISTING SIGNIFICANT MEDICAL
12 CONDITION;
- 13 (7) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER IS
14 62 YEARS OLD OR OLDER, UNDER 18 YEARS OLD, OR HAS AN INFANT HUMAN
15 BEING NOT MORE THAN 6 MONTHS OLD IN RESIDENCE AT THE PREMISES;
- 16 (8) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER HAS
17 CENTRAL VISION ACUTY OF 20/200 OR LESS IN THE BETTER EYE WITH THE USE OF A
18 CORRECTING LENS, HAS AT LEAST ONE EYE WITH A LIMITATION IN THE FIELDS OF
19 VISION SUCH THAT WIDEST DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE
20 NO GREATER THAN 20 DEGREES, AS CERTIFIED IN WRITING BY A LICENSED MEDICAL
21 DOCTOR, NURSE PRACTITIONER, PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY
22 DEPARTMENT OF HEALTH;
- 23 (9) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER HAS
24 A PHYSICAL, MENTAL, OR MEDICAL IMPAIRMENT RESULTING FROM ANATOMICAL,
25 PHYSIOLOGICAL, OR NEUROLOGICAL CONDITIONS THAT PREVENTS THE EXERCISE
26 OF A NORMAL BODILY FUNCTION OR THAT RENDERS THE CUSTOMER UNABLE TO
27 MANAGE HIS OR HER OWN RESOURCES OR TO PROTECT HIMSELF OR HERSELF FROM
28 NEGLECT OR HAZARDOUS SITUATIONS WITHOUT THE ASSISTANCE OF OTHERS, AS
29 CERTIFIED IN WRITING BY A LICENSED MEDICAL DOCTOR, NURSE PRACTITIONER,
30 PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY DEPARTMENT OF HEALTH;
- 31 (10) THE PROPERTY WHERE SERVICE IS TO BE CUT OFF IS IN BANKRUPTCY
32 PROCEEDINGS; OR
- 33 (11) THE PROPERTY WHERE SERVICE IS TO BE CUT OFF IS IN TAX LIEN CERTIFICATE
34 SALE.

35 **§ 4-5. [Payment schedule] INSTALLMENT PAYMENT AGREEMENT.**

- 36 (a) *OFFER; Effect of compliance.*

37 [If a person responsible for paying a water bill enters into a payment agreement
38 acceptable to the Director of Public Works, then while the person is making timely
39 payments in accord with the agreed schedule:

Council Bill 18-0307

1 (1) the penalty imposed under § 4-2(c) {"Metered water charges: Penalties"} of this
2 subtitle does not accrue; and

3 (2) service that has been turned off may be restored.]

4 (1) THE FINANCE DIRECTOR SHALL OFFER AN INSTALLMENT PAYMENT AGREEMENT TO
5 EACH CUSTOMER WHO HAS BEEN ISSUED A CUT-OFF NOTICE.

6 (2) EXECUTION OF AN INSTALLMENT PAYMENT AGREEMENT ACCEPTABLE TO THE
7 FINANCE DIRECTOR WILL ENABLE THE CUSTOMER TO:

8 (I) AVOID SERVICE CUT-OFF;

9 (II) AVOID AGGRUAL OF THE PENALTIES IMPOSED UNDER § 4-2(C) {"METERED
10 WATER CHARGES: PENALTIES"} OF THIS SUBTITLE; AND

11 (III) ENABLE SERVICE THAT HAS BEEN TURNED OFF TO BE RESTORED, PROVIDED
12 THAT THE CUSTOMER REMAINS IN COMPLIANCE WITH THE AGREEMENT.

13 (b) *Effect of breach.*

14 If payment is missed and the payment agreement declared to be breached, THE
15 SUSPENDED PENALTIES SHALL BE REINSTATED AND all subsequent penalties shall continue
16 to accrue.

17 (c) *NOTICE.*

18 EACH OFFER OF AN INSTALLMENT PAYMENT AGREEMENT MUST:

19 (1) INFORM THE CUSTOMER OF THE AVAILABILITY OF AN AGREEMENT;

20 (2) STATE THE MINIMUM TERMS OF THE AGREEMENT THAT WOULD BE ACCEPTABLE TO
21 THE DIRECTOR;

22 (3) EXPLAIN ANY ALTERNATE TERMS THAT MAY BE AVAILABLE;

23 (4) STATE THE DATE BY WHICH THE CUSTOMER MUST CONTACT THE DEPARTMENT
24 AND EXECUTE AN AGREEMENT IN ORDER TO AVOID SERVICE CUT-OFF;

25 (5) INDICATE THE NAME AND TELEPHONE NUMBER OF A DEPARTMENT
26 REPRESENTATIVE THAT THE CUSTOMER MAY CALL TO DISCUSS AN AGREEMENT;
27 AND

28 (6) STATE WHAT ACTION THE DEPARTMENT WILL TAKE IF AN INSTALLMENT PAYMENT
29 AGREEMENT IS NOT EXECUTED AND RETURNED BY ITS DUE DATE.

30 (d) *TERMS OF AGREEMENT.*

31 AN INSTALLMENT PAYMENT AGREEMENT SHALL SET FORTH:

Council Bill 18-0307

- 1 (1) THE TOTAL AMOUNT AND DATES OF THE DELINQUENT CHARGES COVERED BY THE
2 AGREEMENT;
- 3 (2) THE TIME PERIOD OVER WHICH THE TOTAL AMOUNT SHALL BE PAID;
- 4 (3) THE NUMBER, DUE DATE, AND AMOUNT OF EACH PERIODIC PAYMENT DUE UNDER
5 THE AGREEMENT;
- 6 (4) THE AMOUNT OF THE REQUIRED DOWN PAYMENT OR INITIAL INSTALLMENT DUE ON
7 THE CUSTOMER'S EXECUTION OF THE AGREEMENT, WHICH MAY NOT EXCEED 25%
8 OF THE TOTAL AMOUNT COVERED BY THE AGREEMENT; ~~AND~~
- 9 (5) THE INTEREST RATE TO BE CHARGED ON THE UNPAID BALANCE UNDER THE
10 AGREEMENT, WHICH SHALL BE EQUAL TO THE INTEREST RATE THEN BEING
11 CHARGED BY THE CITY FOR UNPAID REAL ESTATE TAXES ON A PROPERTY WHERE
12 THE ANNUAL REAL ESTATE TAXES ARE \$2,750 OR LESS; AND
- 13 (6) THE CUSTOMER'S RIGHT UNDER § 2-17 ET SEQ. OF THIS ARTICLE TO THE SERVICES OF A
14 CUSTOMER ADVOCATE IN SEEKING RESOLUTION OF ANY BILLING OR OTHER DISPUTE.

15 (E) NOTICE OF INSTALLMENT PAYMENTS DUE.

16 THE FINANCE DEPARTMENT SHALL MAIL TO THE CUSTOMER 30 DAYS' NOTICE OF EACH
17 INSTALLMENT PAYMENT DUE.

18 Article 28. Taxes

19 Subtitle 4. Collections

20 § 4-4. Warning of lien and potential foreclosure.

21 (a) Scope of section.

22 (1) IN GENERAL.

23 [This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS section
24 applies to every bill, invoice, or other statement issued by or for the City to collect a
25 tax, fee, or other charge that, by operation of law, constitutes a lien on real property.

26 (2) EXCEPTIONS.

27 THIS SECTION DOES NOT APPLY TO WATER AND WASTEWATER BILLS FOR:

28 (I) A RESIDENTIAL PROPERTY; OR

29 (II) A PROPERTY THAT IS OWNED BY A RELIGIOUS GROUP OR ORGANIZATION AND IS
30 EXEMPT FROM TAXATION UNDER § 7-204 (1) OR (2) OF THE STATE TAX-PROPERTY
31 ARTICLE.

Council Bill 18-0307

1 (b) Warning required.

2 Each bill, invoice, or other statement to which this section applies shall contain the
3 following warning, prominently and conspicuously displayed in bold face type:

4 "WARNING: These charges are a lien on the property identified.
5 Failure to timely pay these charges can lead to sale of the lien at
6 auction and possible foreclosure of the property identified.
7 Foreclosure can result in the loss of ownership of the property."

8 **Article 28. Taxes**

9 **Subtitle 8. Tax Sales**

10 **~~§ 8-1. Interest rate on redemptions from tax sales.~~**

11 ~~Pursuant to the authorization contained in State Tax-Property Article § 14-820(b)(3), the~~
12 ~~interest rate applicable to redemptions of property from tax sales in Baltimore City is:~~

13 (1) ~~[12%] 5%~~ a year for any residential real property that, as of January 1 immediately
14 preceding the tax sale, was designated by the State Department of Assessments and
15 Taxation as the owner's principal residence in accordance with the criteria governing
16 the State Homestead Tax Credit; and

17 (2) ~~18%~~ a year for all other property.

18 **~~§ 8-4. LIMITATION ON TAX SALES.~~**

19 ~~INsofar as permitted under the State Tax-Property Article, the Director of~~
20 ~~Finance may not sell real property to enforce a lien for unpaid water or~~
21 ~~wastewater charges, fees, or assessments.~~

22 **Article 8. Ethics**

23 **Subtitle 7. Financial Disclosure**

24 **§ 7-8. Persons required to file – Agency officials and staff.**

25 The following officials and employees must file the financial disclosure statements required
26 by this subtitle:

27

28 (44) ~~WATER-CUSTOMER. ADVOCACY AND APPEALS, OFFICE OF~~

29 (I) OFFICE ADMINISTRATOR.

30 (II) ALL CUSTOMER ADVOCATES.

Council Bill 18-0307

1 ~~(III) ALL APPEALS OFFICERS.~~

2 (III) ~~(IV)~~ ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE OFFICE.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
4 are not law and may not be considered to have been enacted as a part of this or any prior
5 Ordinance.

6 **SECTION 3. AND BE IT FURTHER ORDAINED,** That all provisions of this Ordinance are
7 severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection,
8 section, or other provision is invalid or that the application of any part of a provision to any
9 person or circumstances is invalid, the remaining provisions and the application of those
10 provisions to other persons or circumstances are not affected by that decision.

11 **SECTION 4. AND BE IT FURTHER ORDAINED, That:**

12 (a) effective on the date this Ordinance is enacted, the Department of Public Works shall
13 begin preparation of rules and regulations to administer the Water-for-All Discount
14 Program in conformance with this Ordinance; and

15 (b) within 3 months after the date this Ordinance is enacted, the Department shall
16 publish for public comment its proposed set of those rules and regulations.

17 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the amendments made by this Ordinance
18 to provisions of City Code Article 28, Subtitle 8 {"Tax Sales"} take effect on the date this
19 Ordinance is enacted:

20 **SECTION 5. AND BE IT FURTHER ORDAINED, That the Department of Public Works shall:**

21 (a) complete a study regarding the feasibility of altering the manner by which the
22 Department assesses its infrastructure charges in order to calculate an assessment
23 that prioritizes the length of infrastructure between meters rather than an assessment
24 based solely on meter size; and

25 (b) submit that study to the Mayor and to the City Council no later than 1 year from the
26 date that this Ordinance is enacted.

27 **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That, except as provided by Section 4 of this
28 Ordinance, this Ordinance takes effect 6 months after the date it is enacted.

Council Bill 18-0307

Certified as duly passed this _____ day of NOV 18 2019, 2019



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of NOV 18 2019, 2019



Chief Clerk

Approved this 13th day of Jan., 2020



Mayor, Baltimore City

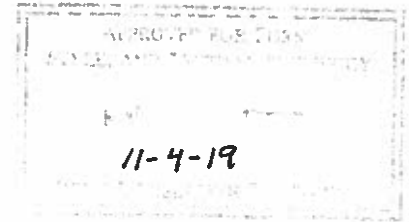
Approved For Form and Legal Sufficiency

This 25th Day of November 2019.



Chief Solicitor

AMENDMENTS TO COUNCIL BILL 18-307
(3rd Reader Copy)



By: President Scott
{To be offered on the Council Floor}

Amendment No. 1 {Art. 24, § 1-11(e)}

On page 4, in line 1, before the period, insert “; DPW”; and, in line 2, before “MEANS”, insert “OR “DPW””.

Amendment No. 2 {Art. 24, § 2-8(b)(1)}

On page 11, in line 2, strike “LESS” and substitute “NOT GREATER”.

Amendment No. 3 {Art. 24, § 2-17(a)&(b)(3)}

On page 1, in lines 11 and 12, strike “the operational independence of”; and, in line 12, after “Appeals”, insert “to operate”; and, on page 15, in line 18, before the period, insert “IN THE DEPARTMENT OF PUBLIC WORKS”; and, on the same page, strike lines 25 and 26, in their entireties, and substitute “WATER AND WASTEWATER BILLINGS, ASSISTANCE UNDER THE WATER-FOR-ALL DISCOUNT PROGRAM, AND ASSISTANCE UNDER ANY OTHER BALTIMORE WATER ASSISTANCE PROGRAMS; AND”; and, on the same page, strike beginning with the colon in line 30, down through and including the subparagraph designation “(II)” on page 16, in line 1.

Amendment No. 4 {Art. 24, § 2-20(c)}

On page 19, strike lines 5 through 10, in their entireties, and substitute:

“(I) THE CHANGE OF AN AMOUNT DUE ON A BILL FOR WATER OR WASTEWATER; OR”;

and, in line 11, strike “(III)” and substitute “(II)”.

Amendment No. 5 {Art. 24, § 2-21 and Related}

On page 1, in line 15, after the semicolon, insert “providing for third-party hearing officers to independently hear administrative appeals;”; and, on page 15, in line 12, before the comma, strike “TO THE OFFICE”; and, on page 17, in lines 14 and 15, strike “, APPEALS OFFICERS,”; and, in line 18, after “ADMINISTRATOR”, strike the comma and substitute “AND”;

and in the same line, strike “, AND APPEALS OFFICERS”; and, in line 25 and, in line 28, in each instance, strike “APPEALS OFFICERS,”; and on page 20, after line 7, insert:

“(A) INDEPENDENT REVIEW BY THIRD-PARTY HEARING OFFICER.

DPW SHALL CONTRACT WITH THE ENVIRONMENTAL CONTROL BOARD TO MAKE AVAILABLE HEARING OFFICERS TO PROVIDE AN INDEPENDENT REVIEW OF CUSTOMER APPEALS FROM A CUSTOMER ADVOCATE’S INVESTIGATIVE REPORT.”;

and, on page 20, in lines 8, 16, and 23, and on page 21, in lines 1, 4 and 27, strike “(A)”, “(B)”, “(C)”, “(D)”, “(E)”, and “(F)”, respectively, and substitute “(B)”, “(C)”, “(D)”, “(E)”, “(F)”, and “(G)”, respectively; and, on page 20, in line 9 and line 17, in each instance, strike “OFFICE” and substitute “ENVIRONMENTAL CONTROL BOARD”; and, on the same page, in line 12 and line 13, in each instance, strike “DEPARTMENT” and substitute “ENVIRONMENTAL CONTROL BOARD”; and, in line 16, strike “OFFICE” and substitute “BOARD”; and, on page 20, in line 18, strike “AN APPEALS OFFICER” and substitute “A HEARING OFFICER”; and, on page 21, in lines 3, 5, 9, and 28, in each instance, strike “APPEALS OFFICER” and substitute “HEARING OFFICER”; and, on page 21, in line 17, and on page 22, in line 6, in each instance, strike “APPEALS OFFICER’S” and substitute “HEARING OFFICER’S”; and, on page 21, in line 27, strike “APPEALS OFFICER’S” and substitute “HEARING OFFICER’S”; and, on page 21, after line 4, insert:

“(1) HEARINGS SHALL BE CONDUCTED IN A FULL, FAIR, IMPARTIAL, AND ORDERLY MANNER.

“(2) EXCEPT AS OTHERWISE PROVIDED BY LAW, FORMAL RULES OF EVIDENCE AND TRIAL PROCEDURES DO NOT APPLY.

“(3) THE HEARING SHALL BE FILMED, AUDIO RECORDED, OR TRANSCRIBED.”;

and, on page 21, in line 5, strike “(1)” and substitute “(4)”; and, on the same page, in line 27, before “DECISION”, insert “PROPOSED”; and, in line 29, strike “FINAL” and substitute “PROPOSED”; and, in line 31, before “DECISION”, insert “PROPOSED”; and, on page 22, in line 6, strike “FINAL” and substitute “PROPOSED”; and, in line 7, after “CUSTOMER”, insert “AND TO THE DPW DIRECTOR”; and strike lines 9 and 10, in their entireties; and, after line 10, insert:

“(H) REVIEW AND FINAL DECISION OR REMAND BY DIRECTOR.

“(1) PROMPTLY ON RECEIPT OF THE HEARING OFFICER’S PROPOSED DECISION, THE DPW DIRECTOR:

“(I) SHALL REVIEW THE PROPOSED DECISION AND THE ADMINISTRATIVE RECORD OF THE DISPUTE; AND

“(II) SHALL:

“(A) ISSUE A FINAL AGENCY DECISION THAT:

I. ADOPTS THE HEARING OFFICER'S PROPOSED DECISION; OR

II. MODIFIES THE HEARING OFFICER'S PROPOSED DECISION AND, IN WRITING:

1. SPECIFIES EACH OF THE DIRECTOR'S MODIFICATIONS; AND

2. EXPLAINS THE REASONS FOR EACH MODIFICATION; OR

(B) IF THE HEARING OFFICER'S PROPOSED DECISION FAILS TO PROVIDE SUFFICIENT INFORMATION ON WHICH TO RENDER A FINAL DECISION, ISSUE AN ORDER THAT DESCRIBES THE DEFICIENCY AND REMANDS THE MATTER TO THE HEARING OFFICER FOR FURTHER PROCEEDINGS.

(2) THE DIRECTOR SHALL PROMPTLY SERVE A COPY OF THE FINAL AGENCY DECISION OR THE REMAND ORDER, AS THE CASE MAY BE, ON EACH PARTY TO THE PROCEEDING AND, IF NOT A PARTY, ON THE OWNER OF THE PROPERTY.”;

and, on page 22, in line 11, strike “(G)” and substitute “(I)”; and, on the same page, in line 15 and in lines 18 and 19, in each instance, strike “OF PROCEDURE”; and, in line 17, strike “COURT’S” and substitute “CIRCUIT COURT’S”; and, in lines 17 and 18, strike “TO THE COURT OF SPECIAL APPEALS”; and, on page 30, strike line 15, in its entirety; and, in line 16, strike “(IV)” and substitute “(III)”.

Amendment No. 6 {Art. 24, §§ 2-22(b) and 2-23}

On page 1, strike beginning with the first comma in line 21 down through and including “tax sales” in line 22; and, on page 2, in line 13, strike “2-24” and substitute “2-23”; and, on page 22, strike line 22 and lines 28 through 34, in their entireties; and, on page 23, strike beginning with “§ 2-23” in line 1 down through and including the period in line 8; and, on page 23, in line 9, strike “§ 2-24” and substitute “§ 2-23”.

Amendment No. 7 {Art. 24, § 4-5(d)}

On page 29, in line 17, strike “AND”; and, in line 21, before the period, insert:

“AND

(6) THE CUSTOMER'S RIGHT UNDER § 2-17 ET SEQ. OF THIS ARTICLE TO THE SERVICES OF A CUSTOMER ADVOCATE IN SEEKING RESOLUTION OF ANY BILLING OR OTHER DISPUTE”

Amendment No. 8 {Art. 8, § 4-4}

On page 2, after line 15, insert:

“BY repealing and reordaining, with amendments

Article 28 - Taxes

Section 4-4

Baltimore City Code

(Edition 2000)”;

and, on page 29, after line 24, insert:

“Article 28. Taxes

Subtitle 4. Collections

§ 4-4. Warning of lien and potential foreclosure.

(a) Scope of section.

(1) IN GENERAL.

[This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS section applies to every bill, invoice, or other statement issued by or for the City to collect a tax, fee, or other charge that, by operation of law, constitutes a lien on real property.

(2) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO WATER AND WASTEWATER BILLS FOR:

(I) A RESIDENTIAL PROPERTY; OR

(II) A PROPERTY THAT IS OWNED BY A RELIGIOUS GROUP OR ORGANIZATION AND IS EXEMPT FROM TAXATION UNDER § 7-204 (1) OR (2) OF THE STATE TAX-PROPERTY ARTICLE.

(b) Warning required.

Each bill, invoice, or other statement to which this section applies shall contain the following warning, prominently and conspicuously displayed in bold face type:

“WARNING: These charges are a lien on the property identified. Failure to timely pay these charges can lead to sale of the lien at auction and possible foreclosure of the property identified. Foreclosure can result in the loss of ownership of the property.”

Amendment No. 9 {Effective Dates}

On page 30, after line 24, insert:

“SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) effective on the date this Ordinance is enacted, the Department of Public Works shall begin preparation of rules and regulations to administer the Water-for-All Discount Program in conformance with this Ordinance; and

(b) within 3 months after the date this Ordinance is enacted, the Department shall publish for public comment its proposed set of those rules and regulations.”;

and, on the same page, strike lines 25 through 27, in their entireties.

Amendment No. 10 {Study Feasibility of Changing How Infrastructure Charges Assessed}

On page 30, after line 27, insert:

“SECTION 5. AND BE IT FURTHER ORDAINED, That the Department of Public Works shall:

(a) complete a study regarding the feasibility of altering the manner by which the Department assesses its infrastructure charges in order to calculate an assessment that prioritizes the length of infrastructure between meters rather than an assessment based solely on meter size; and

(b) submit that study to the Mayor and to the City Council no later than 1 year from the date that this Ordinance is enacted.”;

and, in line 28, after “SECTION”, strike “5” and substitute “6”.

Amendment No. 11 {Addendum to § 2-21}

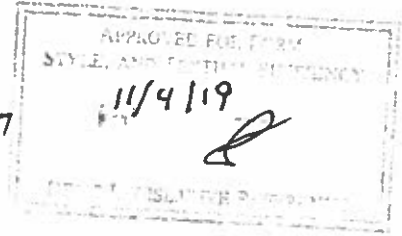
On page 21, strike line 23 in its entirety; on the same page, in line 26, before the period, insert

“ BUT THE HEARING OFFICER MAY NOT RECEIVE EX PARTE, DIRECTLY OR INDIRECTLY, ANY ADDITIONAL EVIDENCE OR COMMUNICATION REGARDING THE MERITS OF ANY ISSUE IN THE MATTER DURING THE CONTINUANCE”;

and, in line 24 and in line 25, strike “(VIII)” and “(IX)”, respectively, and substitute “(VII)” and “(VIII)”, respectively.



AMENDMENTS TO COUNCIL BILL 18-0307
(3rd Reader Copy)



By: President Scott
{To be offered on the Council Floor}

Amendment No. 1 {Art. 13, § 7-3(a-1)}

On page 1, in line 27, before “defining”, insert “: requiring that any property owner or managing operator who requires a tenant to pay the costs of water or wastewater services must include that requirement and certain related provisions in an express provision of a written lease agreement.”; and, on page 3, strike beginning with “RECEIVE” in line 13 down through “BILLS” in line 14 and substitute “REQUEST AND TO RECEIVE COPIES OF ANY ACCOUNT RECORDS”; and, on the same page, after line 14, insert:

“(3) WHENEVER A LANDLORD REQUIRES THE TENANT TO REIMBURSE THE LANDLORD FOR ALLOCATED COSTS OF WATER OR WASTEWATER SERVICE, THE LEASE REQUIRED BY THIS SUBSECTION SHALL ALSO:

- (I) DESCRIBE THE CALCULATION METHOD USED BY THE OWNER OR OWNER'S AGENT TO ALLOCATE THE COST OF WATER AND WASTEWATER SERVICES TO THE TENANT; AND

- (II) SPECIFY THE AVERAGE MONTHLY ALLOCATED COSTS OF WATER AND WASTEWATER SERVICES FOR THE LEASED DWELLING UNIT OR ROOMING UNIT IN THE 12 MONTHS PRECEDING EXECUTION OF THE LEASE OR RENEWAL OF THE LEASE.”.

ADOPTED

BY adding

**Article 13 - Housing and Urban Renewal
Section 7-3(a-1)
Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

**Article 24 - Water
Sections 1-11, 2-1, 2-3, 4-2, 4-3, and 4-5
Baltimore City Code
(Edition 2000)**

BY adding

**Article 24 - Water
Sections 2-4 through 2-24
Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

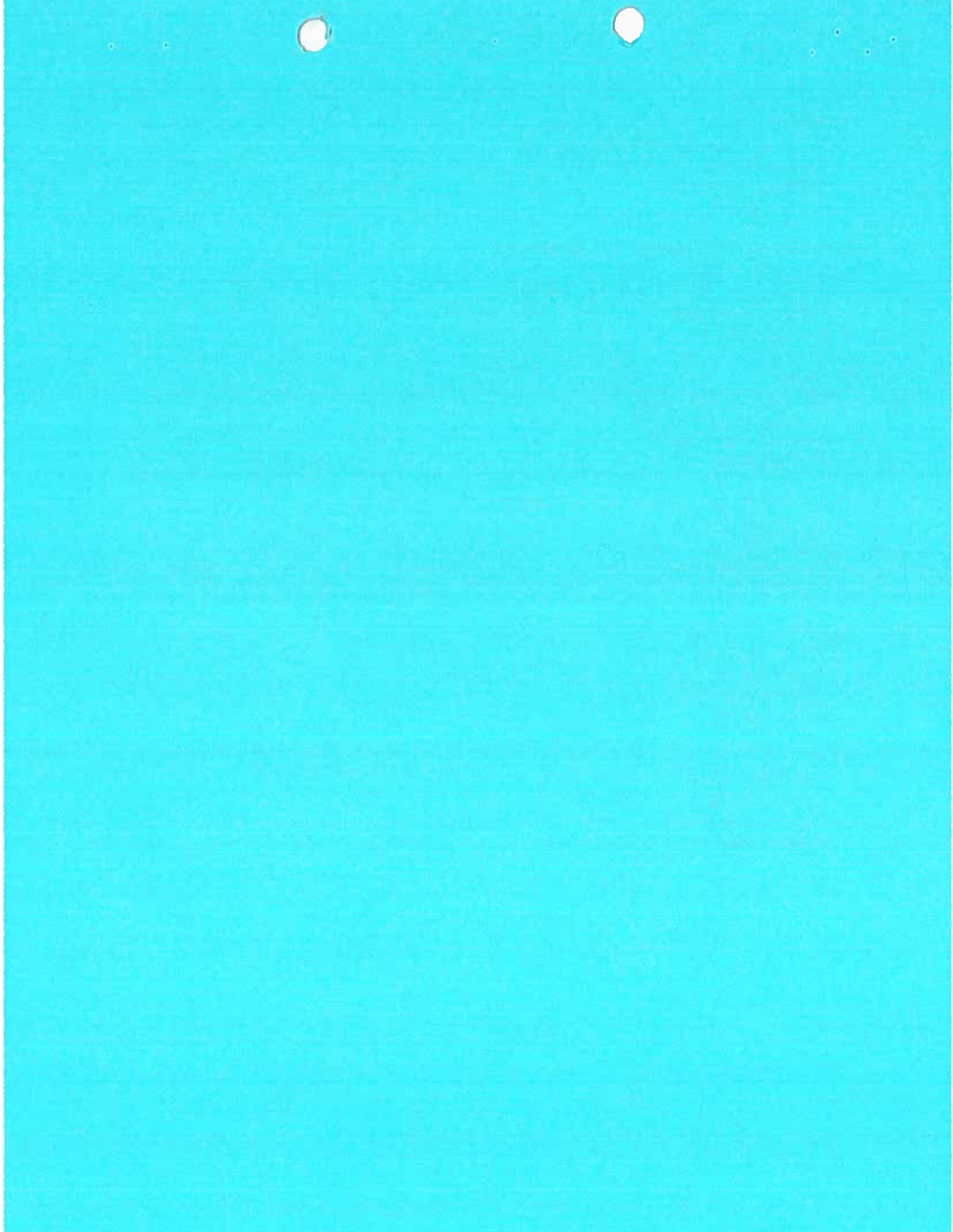
**Article 28 - Taxes
Section 8-1
Baltimore City Code
(Edition 2000)**

BY adding

**Article 28 - Taxes
Section 8-4
Baltimore City Code
(Edition 2000)**

BY adding

**Article 8 - Ethics
Section 7-8(44)
Baltimore City Code
(Edition 2000)**



BALTIMORE CITY COUNCIL TAXATION, FINANCE AND ECONOMIC DEVELOPMENT VOTING RECORD

DATE: September 26, 2019

BILL#: 18-0307

BILL TITLE: **Water Accountability and Equity Act**

“IS THERE A MOTION TO MOVE THE BILL FAVORABLE.”

OR

“IS THERE A MOTION TO MOVE THE BILL FAVORABLE WITH
AMENDMENTS.”

MOTION BY: Costello SECONDED BY: Reisinger

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Middleton, Sharon, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, Edward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	5	0	0	0

CHAIRPERSON: Sharon Middleton

COMMITTEE STAFF: Samuel Johnson, Initials: AS





HEARING NOTES

Bill: 18-0307

Water Accountability and Equity Act

Committee: Taxation, Finance and Economic Development
Chaired By: Councilmember Sharon Green-Middleton

Hearing Date: September 26, 2019
Time (Beginning): 10:20a.m.
Time (Ending): 11:15a.m.
Location: Clarence "Du" Burns Chambers
Total Attendance: Approximately 30 – 40
Committee Members in Attendance: 5/5
Sharon Green Middleton
Eric Costello
Edward Reisinger
Robert Stokes
Danielle McCray

Bill Synopsis in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Attendance sheet in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Agency reports read?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Certification of advertising/posting notices in the file?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Evidence of notification to property owners?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Final vote taken at this hearing?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Motioned by:	Councilmember Costello		
Seconded by:	Councilmember Reisinger		
Final Vote:	5 – 0		

Major Issues Discussed

1. Councilwoman Middleton read the bill into the record and introduced committee members.
2. Bob Cename, Finance – Read his prepared remarks into the record and spoke about his agencies amendment.
 - The Department of Finances amendments were moved by McCray and seconded by Costello.

3.Rudy Chow, DPW – Read his prepared remarks into the record and spoke about his agencies amendment.

- No action was taken on DPW’s amendments.

4. President Brandon Scott – Read his prepared remarks into the and spoke about his amendments.

- The President’s amendments were moved by Reisinger and seconded by McCray.

5.The advocates from Baltimore Right to Water Coalition offered their remarks.

6. There were approximately 25 – 35 people in attendance at this hearing.

7. The committee took a final vote, and the committee approved the bill favorable with amendments.

Further Study

Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote:

S. Middleton: Yea
 McCray:..... Yea
 E. Costello: Yea
 E. Reisinger: Yea
 R. Stokes:..... Yea

Samuel Johnson , Committee Staff
 (410) 396-1091
 cc: Bill File
 OCS Chrono File

Date: September 26, 2019

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Taxation, Finance and Economic Development Committee

Thursday, September 26, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

Worksession: 18-0307

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 5 - Member Sharon Green Middleton, Member Danielle McCray, Member Eric T. Costello, Member Edward Reisinger, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR WORKSESSION

18-0307

Water Accountability and Equity Act

For the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action; establishing for these purposes a Water-for-All Discount Program, an Office of Water-Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the eligibility requirements for the Water-for-All Discount Program and its grant of an annual billing credit, and providing for the credit's administration, computation, distribution, and recertification requirements and for the effect of midyear ineligibility, program arrears, and related matters; excepting recipients in the Water-for-All Discount Program from certain penalties imposed on certain delinquent service charges; providing for the operational independence of the Office of Water-Customer Advocacy and Appeals as a neutral intermediary authorized to conduct problem-solving investigations of water and wastewater billing and related disputes and authorized, subject to certain limitations and the right to seek administrative and judicial appeals, to implement solutions to those disputes; specifying the personnel of the Office of Water-Customer Advocacy and Appeals who are required to file financial disclosure statements under the City Ethics Code; providing for the Committee for Office Oversight's composition, officers, meetings, and oversight duties; providing that the non-payment of water and wastewater charges subject to a pending request for Office investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for a service cut-off, the imposition of a lien against property, or a property's inclusion in certain tax sales; requiring certain notices before, and imposing certain restrictions and limitations on, service cut-offs for delinquency of payments; requiring that persons who have been issued a cut-off notice be offered the opportunity to enter into an installment payment agreement, subject to certain terms and conditions; reducing the interest rate applicable to redemptions from tax sale of properties designated by the State Department of Assessments and Taxation as the owner's principal residence; defining various terms; clarifying and conforming related provisions; and providing for special effective dates.

Sponsors: President Young, Bill Henry, Robert Stokes, Sr., Brandon M. Scott, Eric T. Costello, Kristerfer Burnett, Leon F. Pinkett, III, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, John T. Bullock, Isaac "Yitzzy" Schleifer, Mary Pat Clarke, Ryan Dorsey, Edward Reisinger

A motion was made by Member Costello, seconded by Member Reisinger, that Ordinance 18-0307 be Recommended Favorably with Amendments. The motion carried by the following vote:

Yes: 5 - Member Middleton, Member McCray, Member Costello, Member Reisinger, and Member Stokes Sr.

ADJOURNMENT

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Taxation, Finance and Economic Development Committee

Thursday, September 26, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

Worksession: 18-0307

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR WORKSESSION

18-0307

Water Accountability and Equity Act

For the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action; establishing for these purposes a Water-for-All Discount Program, an Office of Water-Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the eligibility requirements for the Water-for-All Discount Program and its grant of an annual billing credit, and providing for the credit's administration, computation, distribution, and recertification requirements and for the effect of midyear ineligibility, program arrears, and related matters; excepting recipients in the Water-for-All Discount Program from certain penalties imposed on certain delinquent service charges; providing for the operational independence of the Office of Water-Customer Advocacy and Appeals as a neutral intermediary authorized to conduct problem-solving investigations of water and wastewater billing and related disputes and authorized, subject to certain limitations and the right to seek administrative and judicial appeals, to implement solutions to those disputes; specifying the personnel of the Office of Water-Customer Advocacy and Appeals who are required to file financial disclosure statements under the City Ethics Code; providing for the Committee for Office Oversight's composition, officers, meetings, and oversight duties; providing that the non-payment of water and wastewater charges subject to a pending request for Office investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for a service cut-off, the imposition of a lien against property, or a property's inclusion in certain tax sales; requiring certain notices before, and imposing certain restrictions and limitations on, service cut-offs for delinquency of payments; requiring that persons who have been issued a cut-off notice be offered the opportunity to enter into an installment payment agreement, subject to certain terms and conditions; reducing the interest rate applicable to redemptions from tax sale of properties designated by the State Department of Assessments and Taxation as the owner's principal residence; defining various terms; clarifying and conforming related provisions; and providing for special effective dates.

Sponsors:

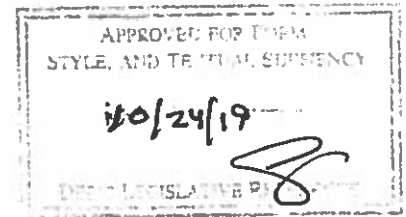
President Young, Bill Henry, Robert Stokes, Sr., Brandon M. Scott, Eric T. Costello, Kristerfer Burnett, Leon F. Pinkett, III, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, John T. Bullock, Isaac "Yitzy" Schleifer, Mary Pat Clarke, Ryan Dorsey, Edward Reisinger

Attachments: [18-0307~1st Reader](#)
 [Health 18-0307](#)
 [Finance 18-0307](#)
 [MOHS 18-0307](#)
 [DPW 18-0307](#)
 [Law 18-0307](#)
 [HCD 18-0307](#)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

AMENDMENTS TO COUNCIL BILL 18-307
(1st Reader Copy)



By: Taxation, Finance, and Economic Development Committee
{To be offered on the Council Floor}

Amendment No. 1 {Art. 13, § 7-3(a-1)(2)}

On page 3, strike beginning in line 8 with "THIS LEASE" down through and including the period in line 11, and substitute:

"THE LEASE SHALL INCLUDE A PROVISION THAT THE LANDLORD MAKES THE TENANT A DESIGNEE UNDER MARYLAND'S PUBLIC INFORMATION ACT TO RECEIVE COPIES OF THE BILLS FOR THE WATER OR WASTEWATER ACCOUNT AT ISSUE."

Amendment No. 2 {Art. 24, § 1-1(d)(2)}

On page 6, in line 9, before "THE BILL", insert "A COPY OF".

Amendment No. 3 {Art. 24, § 2-6}

On page 7, in line 13, strike "DIRECTOR TO ADOPT RULES" and substitute "RULES"; and, in line 14, strike "THE DIRECTOR" and substitute "THE DPW DIRECTOR AND THE FINANCE DIRECTOR"; and, in line 28, strike "DIRECTOR TO INFORM" and substitute "INFORMING"; and, in line 29, strike "THE DIRECTOR" and substitute "THE DPW DIRECTOR OR FINANCE DIRECTOR, AS THE CASE MAY BE".

Amendment No. 4 {Art. 24, § 2-7(b)}

On page 8, in line 9, strike "AND AGES"; and, in line 17, strike beginning with "(III)" through and including the semicolon; and, in line 18, strike "(IV)" and substitute "(III)"; and, in lines 21 and 22, strike "THE APPLICANT OR THE APPLICANT'S AUTHORIZED REPRESENTATIVE" and substitute "ALL MEMBERS OF THE HOUSEHOLD WHOSE INCOME WILL BE EVALUATED FOR THE PROGRAM"; and, in lines 24 and 25, strike "THE APPLICANT OR THE APPLICANT'S AUTHORIZED REPRESENTATIVE" and substitute "MEMBERS OF THE HOUSEHOLD WHOSE INCOME WILL BE EVALUATED FOR THE PROGRAM".

ADOPTED

Amendment No. 5 {Art. 24, § 2-7(c)(2)}

On page 9, in line 9, after "SUBMIT", strike "PHOTOCOPIES OF HIS OR HER" and substitute "FOR REVIEW THE RELEVANT".

Amendment No. 6 {Art. 24, § 2-9(b)(1)}

On page 11, in line 34, strike "THE DIRECTOR" and substitute "THE DPW DIRECTOR OR FINANCE DIRECTOR, AS THE CASE MAY BE,".

Amendment No. 7 {Art. 24, § 2-9(b)(1), (2), & (3)}

On page 11, in line 35, and on page 12, in lines 1, 6, and 8, in each instance, strike "ACCOUNT" and substitute "BILL".

Amendment No. 8 {Art. 24, § 2-9(b)(4)}

On page 12, in lines 11 and 12, strike "THE DPW DIRECTOR SHALL RETURN TO THE FINANCE DIRECTOR"; and, in line 13, before the period, insert "SHALL BE RETURNED TO THE SELF-SUSTAINING WATER FUND".

Amendment No. 9 {Art. 24, § 2-11(c) & 2-20(d)(2)}

On page 12, in line 29, and on page 19, in line 26, in each instance, before "DEPARTMENT", insert "FINANCE".

Amendment No. 10 {Art. 24, § 2-12(6)}

On page 13, in line 8, strike "THE CUSTOMER PAY"; and, in the same line, after "ISSUED", insert "MUST BE PAID".

Amendment No. 11 {Art. 24, § 2-21(e)(1)(vi)}

On page 21, in line 18, after "IS", strike "INCORRECT" and substitute "NOT FUNCTIONING PROPERLY OR IS THE WRONG SIZE".

Amendment No. 12 {Art. 24, § 4-5(a)(1) & (e)}

On page 28, in line 9 and in line 12, in each instance, before "DIRECTOR", insert "FINANCE"; and, on page 29, in line 18, before "DEPARTMENT", insert "FINANCE".

Amendment No. 13 {Art. 28, Tax Sales}

On page 1, strike beginning in line 26 with the word "reducing" down through and including the semi-colon in line 28; and, on page 2, strike lines 16 through 25, in their entirety; and, on page 29, strike lines 20 through 29, in their entirety; and, on page 30, strike lines 1 through 4, in their entirety.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Taxation, Finance and Economic Development Committee

Thursday, July 25, 2019

10:10 AM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 18-0307

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0307

Water Accountability and Equity Act

For the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action; establishing for these purposes a Water-for-All Discount Program, an Office of Water-Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the eligibility requirements for the Water-for-All Discount Program and its grant of an annual billing credit, and providing for the credit's administration, computation, distribution, and recertification requirements and for the effect of midyear ineligibility, program arrears, and related matters; excepting recipients in the Water-for-All Discount Program from certain penalties imposed on certain delinquent service charges; providing for the operational independence of the Office of Water-Customer Advocacy and Appeals as a neutral intermediary authorized to conduct problem-solving investigations of water and wastewater billing and related disputes and authorized, subject to certain limitations and the right to seek administrative and judicial appeals, to implement solutions to those disputes; specifying the personnel of the Office of Water-Customer Advocacy and Appeals who are required to file financial disclosure statements under the City Ethics Code; providing for the Committee for Office Oversight's composition, officers, meetings, and oversight duties; providing that the non-payment of water and wastewater charges subject to a pending request for Office investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for a service cut-off, the imposition of a lien against property, or a property's inclusion in certain tax sales; requiring certain notices before, and imposing certain restrictions and limitations on, service cut-offs for delinquency of payments; requiring that persons who have been issued a cut-off notice be offered the opportunity to enter into an installment payment agreement, subject to certain terms and conditions; reducing the interest rate applicable to redemptions from tax sale of properties designated by the State Department of Assessments and Taxation as the owner's principal residence; defining various terms; clarifying and conforming related provisions; and providing for special effective dates.

Sponsors:

President Young, Bill Henry, Robert Stokes, Sr., Brandon M. Scott, Eric T. Costello, Kristerfer Burnett, Leon F. Pinkett, III, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, John T. Bullock, Isaac "Yitzy" Schleifer, Mary Pat Clarke, Ryan Dorsey, Edward Reisinger

Attachments: [18-0307~1st Reader](#)

[Health 18-0307](#)

[Finance 18-0307](#)

[MOHS 18-0307](#)

[DPW 18-0307](#)

[Law 18-0307](#)

[HCD 18-0307](#)

Work Session

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Taxation, Finance and Economic Development Committee

Thursday, July 25, 2019

10:10 AM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 18-0307

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 5 - Member Sharon Green Middleton, Member Danielle McCray, Member Eric T. Costello, Member Edward Reisinger, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0307

Water Accountability and Equity Act

For the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action; establishing for these purposes a Water-for-All Discount Program, an Office of Water-Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the eligibility requirements for the Water-for-All Discount Program and its grant of an annual billing credit, and providing for the credit's administration, computation, distribution, and recertification requirements and for the effect of midyear ineligibility, program arrears, and related matters; excepting recipients in the Water-for-All Discount Program from certain penalties imposed on certain delinquent service charges; providing for the operational independence of the Office of Water-Customer Advocacy and Appeals as a neutral intermediary authorized to conduct problem-solving investigations of water and wastewater billing and related disputes and authorized, subject to certain limitations and the right to seek administrative and judicial appeals, to implement solutions to those disputes; specifying the personnel of the Office of Water-Customer Advocacy and Appeals who are required to file financial disclosure statements under the City Ethics Code; providing for the Committee for Office Oversight's composition, officers, meetings, and oversight duties; providing that the non-payment of water and wastewater charges subject to a pending request for Office investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for a service cut-off, the imposition of a lien against property, or a property's inclusion in certain tax sales; requiring certain notices before, and imposing certain restrictions and limitations on, service cut-offs for delinquency of payments; requiring that persons who have been issued a cut-off notice be offered the opportunity to enter into an installment payment agreement, subject to certain terms and conditions; reducing the interest rate applicable to redemptions from tax sale of properties designated by the State Department of Assessments and Taxation as the owner's principal residence; defining various terms; clarifying and conforming related provisions; and providing for special effective dates.

Sponsors: President Young, Bill Henry, Robert Stokes, Sr., Brandon M. Scott, Eric T. Costello, Kristerfer Burnett, Leon F. Pinkett, III, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, John T. Bullock, Isaac "Yitzy" Schleifer, Mary Pat Clarke, Ryan Dorsey, Edward Reisinger

This Ordinance will be scheduled for a Worksession.

THIS MEETING IS IN RECESS

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Taxation, Finance and Economic Development Committee

Thursday, May 16, 2019

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0307

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 5 - Member Sharon Green Middleton, Member Leon F. Pinkett III, Member Eric T. Costello, Member Edward Reisinger, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0307

Water Accountability and Equity Act

For the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action; establishing for these purposes a Water-for-All Discount Program, an Office of Water-Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the eligibility requirements for the Water-for-All Discount Program and its grant of an annual billing credit, and providing for the credit's administration, computation, distribution, and recertification requirements and for the effect of midyear ineligibility, program arrears, and related matters; excepting recipients in the Water-for-All Discount Program from certain penalties imposed on certain delinquent service charges; providing for the operational independence of the Office of Water-Customer Advocacy and Appeals as a neutral intermediary authorized to conduct problem-solving investigations of water and wastewater billing and related disputes and authorized, subject to certain limitations and the right to seek administrative and judicial appeals, to implement solutions to those disputes; specifying the personnel of the Office of Water-Customer Advocacy and Appeals who are required to file financial disclosure statements under the City Ethics Code; providing for the Committee for Office Oversight's composition, officers, meetings, and oversight duties; providing that the non-payment of water and wastewater charges subject to a pending request for Office investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for a service cut-off, the imposition of a lien against property, or a property's inclusion in certain tax sales; requiring certain notices before, and imposing certain restrictions and limitations on, service cut-offs for delinquency of payments; requiring that persons who have been issued a cut-off notice be offered the opportunity to enter into an installment payment agreement, subject to certain terms and conditions; reducing the interest rate applicable to redemptions from tax sale of properties designated by the State Department of Assessments and Taxation as the owner's principal residence; defining various terms; clarifying and conforming related provisions; and providing for special effective dates.

Sponsors: President Young, Bill Henry, Robert Stokes, Sr., Brandon M. Scott, Eric T. Costello, Kristerfer Burnett, Leon F. Pinkett, III, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, John T. Bullock, Isaac "Yitzy" Schleifer, Mary Pat Clarke, Ryan Dorsey, Edward Reisinger

The committee went into recession, and will host a worksession to be announced at a later date.

ADJOURNMENT



HEARING NOTES

Bill: 18-0307

Water Accountability and Equity Act

Committee: Taxation, Finance and Economic Development

Chaired By: Councilmember Sharon Green-Middleton

Hearing Date: July 25, 2019

Time (Beginning): 10:45a.m.

Time (Ending): 11:35a.m.

Location: Clarence "Du" Burns Chambers

Total Attendance: Approximately 25 – 35

Committee Members in Attendance: 5/5

Sharon Green Middleton

Eric Costello

Edward Reisinger

Robert Stokes

McCray

Bill Synopsis in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Attendance sheet in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Agency reports read?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Hearing televised or audio-digitally recorded?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Certification of advertising/posting notices in the file?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Evidence of notification to property owners?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Final vote taken at this hearing?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Motioned by:	Councilmember		
Seconded by:	Councilmember		
Final Vote:			

Major Issues Discussed

1. Councilwoman Middleton read the bill into the record and introduced committee members.
2. Rudy Chow, DPW – Read his prepared remarks into the record.
3. Sheryl Goldstein, Mayor’s Office – Spoke about how CitiStat would be assisting DPW with the implementation and monitoring of the BH20 program.
4. Tisha Edwards, Mayor’s Office – Spoke about her offices role in utilizing the CAP centers to administer the BH20 program in conjunction with other programs that they manage.

5. The advocates from Baltimore Right to Water Coalition spoke about the amendments offered by the law department, and a discussion was had on the proper way to have the amendments codified.
6. Chairwoman Middleton gave specific direction to the Law Department and the advocates from Baltimore Right to Water Coalition to meet and decide on language to be used for their proposed amendments, send that information to the Department of Legislative Reference and have it available for the next worksession.
7. Chairwoman Middleton gave specific direction to the Department of Public Works, Law, the Mayor's Office of Children and Family Success, and the advocates from Baltimore Right to Water Coalition to meet and talk through any proposed amendments and have them drafted for the next worksession.
8. There were approximately 25 – 35 people in attendance at this hearing.
9. There was no vote taken, and the committee went back into recess.

Further Study

Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote:

S. Middleton:

McCray:.....

E. Costello:

E. Reisinger:

R. Stokes:.....

Samuel Johnson , Committee Staff
 (410) 396-1091
 cc: Bill File
 OCS Chrono File

Date: July 25, 2019



**BALTIMORE CITY COUNCIL
TAXATION, FINANCE AND ECONOMIC DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Taxation, Finance and Economic Development Committee of the Baltimore City Council is to legislate policy that will deter unnecessary tax burdens while seeking and supporting projects and initiatives that will generate and increase our tax base. Reviewing and considering financing tools that impact the retention and sustainability of our economic base is essential. Introducing and enhancing legislation that perpetuates equal access to economic development for African Americans/Minorities/Women and other members of our community that will result in an improved quality of life for all citizens of Baltimore is a critical component of Baltimore's success.

**The Honorable Sharon Green Middleton
Chairwoman**

PUBLIC HEARING

**Thursday, May 16, 2019
5:00 PM**

CLARENCE "DU" BURNS COUNCIL CHAMBERS

**Bill 19-0307
Water Accountability and Equity Act**

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)



BILL SYNOPSIS

Committee: Taxation, Finance and Economic Development

Bill 18-0307

Water Accountability and Equity Act

Sponsor: President Young
Introduced: December 3, 2018

Purpose:

For the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action...

Effective: 6 months after the date of enactment

Hearing Date/Time/Location: May 16, 2019 / 5:00 p.m. / Clarence "Du" Burns Chamber

Agency Reports

City Solicitor	
Department of Public Works	
Health Department	
Office of Human Services	
Department of Housing and Community Development	
Inspector General	
Department of Finance	

Analysis

Background

If enacted, Bill 18-0307 would put a structure and program in place to address the needs of Baltimore families who often have problems with the current water billing system, by providing them with access to affordable water. These reforms would mitigate the failures of the current system in place to correct the practice of incorrect water bills, unaffordable water bills for residents, and the tax sales that often come as a result of these problems. The independent office of Water-Customer Advocacy and Appeal that is proposed in this legislation would handle customer disputes, conduct investigations into these incidents, and hold hearings to resolve these cases. Low income families would also have the opportunity to sign-up to participate in the Water-For-All-Program that would provide grants and credits for residents experiencing financial hardships.

Article 13. Housing and Urban Renewal: Subtitle 7. Residential Lease Requirements

Within this subtitle a new subsection will be created titled Payment for Water and Wastewater Services. This subsection mandates that written notification be incorporated into a tenant's lease agreement by the property owner or managing operator on how the water bill will be paid by the lessee, whether it will be included in the rent or paid directly to the Department of Public Works by the tenant. Included within the lease agreement shall also be the owner's authorization to the Department of Public Works to release the account records to the tenant on request.

Article 24. Water: Subtitle 1. Director of Public Works

In subtitle 1 of Article 24 there have been fifteen new definitions listed and expounded upon to explain new language and programs created in subsequent subtitles.

Subtitle 2. Bills

This subsection creates a Water-For-All-Program. To be eligible to participate in this program the tenant of a residential unit must have a household income that is less than 200% of the federal government's poverty guideline within a calendar year. The Department of Public Works is responsible for advertising the Water-For-All-Discount Program in each bill that is sent out to customers. Customers meeting eligibility requirements may submit an application on-line, in person, or by mail. Applicants who are already participating in other state programs where their income is deemed to be below the required poverty guidelines will not need to provide verification of their income.

Eligible applicants may receive one annual credit per year, and in those instances where separate tenants occupy one residential location, the credit shall be divided amongst those who are on the lease or rental agreement. For individuals who are subleasing, the credit shall be prorated for the period of time that the customer is living in the household. The Water-For-All credit shall be applied to the water and wastewater bill directly by the Department of Public Works or sent to each recipient by check. Each recipient shall

recertify no less than 60 days before the end of the calendar year, and in the event that a recipient fails to recertify within 90 days after receiving notification to do so, the recipient will be removed from the program and would have to start the application process over.

There will be an Office of Water-Customer Advocacy and Appeals established to help mediate and resolve any water bill disputes. Members of the office will conduct problem-solving investigations, hold appeals hearings for aggrieved customers, and report information to the Committee for Office Oversight semi-annually. An aggrieved customer has the right to file an appeal within 30 calendar days of receipt of a Customer Advocate's Investigative report. Once a hearing date is schedule, the customer must be given a minimum of 15 days' notice of the hearing date.

Subtitle 4. Collection of Charges

When a customer's account balance is \$250 or more and two billing cycles are past due, that will be deemed a sufficient reason to send out a cut-off notice even if the charges against the property is not in arrears. Before service is interrupted by the Department of Public Works, the Director shall see to it that a notice is sent out to the customer at least 45 days prior to the official cut-off date. All cut-off notices should be served via certified mail, and by posting a copy on the front entrance of the affected residence.

Article 28. Taxes

The current interest rate applicable to the redemption of property from tax sales in Baltimore City as authorized in the State Tax-Property Article 14-820(b)(3) is 12%, this legislation would reduce that to 5% a year for any residential property that is classified as the owner's principal residence meeting the criteria of the State Homestead Tax Credit.

Article 8. Ethics:

The following officials and employees working in the Office of Water-Customer Advocacy and Appeals will be required to submit financial disclosure statements annually: Office Administrator, All Customer Advocates, All Appeals Officers, and All Non-Clerical Employees of or Assigned to the Office.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports, The Baltimore Sun

Analysis by: Samuel Johnson
Analysis Date: May 14, 2019

Direct Inquiries to: (410) 396-1091



HEARING NOTES

Bill: 18-0307

Water Accountability and Equity Act

Committee: Taxation, Finance and Economic Development

Chaired By: Councilmember Sharon Green-Middleton

Hearing Date: May 16, 2019

Time (Beginning): 5:10 p.m.

Time (Ending): 8:05 p.m.

Location: Clarence "Du" Burns Chambers

Total Attendance: Approximately 60 – 70 people

Committee Members in Attendance:

Sharon Green-Middleton

Leon Pinkett

Robert Stokes

Edward Reisinger

Eric Costello

Bill Synopsis in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Attendance sheet in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Agency reports read?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Certification of advertising/posting notices in the file?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Evidence of notification to property owners?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Final vote taken at this hearing?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Motioned by:			
Seconded by:			
Final Vote:			

Major Speakers

(This is not an attendance record.)

- Hilary Ruley, Law Department
- Pedro Aponte, Department of Finance
- Marcia Collins, Department of Public Works
- D'Paul Nibber, Health Department
- Sharon Daboin, Department of Housing and Community Development
- Agency Representative, Mayor's Office of Human Services

Major Issues Discussed

1. Councilwoman Sneed read the bill into the record and introduced committee members.
2. Hilary Ruley – Read agency report into the record.
3. Pedro Aponte – Read agency report into the record.
4. Marcia Collins – Read agency report into the record.
5. D’Paul Nibber – Read agency report into the record.
6. Sharon DaBoin – Read agency report into the record.
7. Mayor’s Office of Human Services – Read agency report into the record.
8. The hearing was broken down into three panels as shown below:
 - Panel One: Introduction of the Bill – Testimony was submitted to the committee.
 - Senator Mary Washington
 - Mary Grant
 - Komal Vaidya
 - Zafar Shah
 - Panel Two: Customer Testimonies from City residents about the Water Bill Problem – Testimony was submitted to the committee.
 - Kimberly Strong
 - Amy Hennen
 - Reverend Alvin Gwynn
 - Darnetta Young
 - Karen Wabeke
 - Panel Three: The Financials and Business Service Model – Testimony was submitted to the committee.
 - Roger Colton
 - Dan Ellis
9. Approximately 15 – 20 people testified.
10. This hearing was recessed, and a worksession will be scheduled at a later date.

Further Study

Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote:

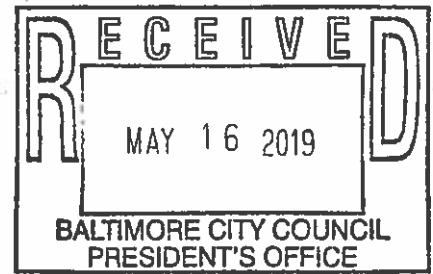
S. Middleton:.....
L. Pinkett:.....
R. Stokes:.....
E. Reisinger:.....
E. Costello:.....

Samuel Johnson , Committee Staff
(410) 396-1091
cc: Bill File
OCS Chrono File

Date: May 16, 2019

CITY OF BALTIMORE MEMORANDUM

From: Rudolph S. Chow, P.E.
Agency: Department of Public Works
600 Abel Wolman Municipal Building
Subject: City Council Bill 18-0307
Date: May 15, 2019
To: Taxation, Finance and Economic Development Committee



in favorable

Introduction

I am herein reporting on City Council Bill 18-0307 introduced by President Young and Council members Henry, Stokes, Scott, Costello, Burnett, Pinkett, Cohen, Sneed, Middleton, Bullock, Schleifer, Clarke, Dorsey, and Reisinger.

Purpose

The purpose of the bill is to, among other things: establish a water-for-all discount program for consumers, including tenants, an Office of Customer Advocacy and Appeals and a Committee for Office Oversight, its composition and duties; establish the eligibility requirements for the discount program and its grant of an annual billing credit and provide for its administration, computation, distribution, and recertification; except enrollees from certain penalties related to delinquencies; provide for the operational independence of the Office of Water Customer Advocacy and Appeals as a neutral intermediary and problem-solving investigatory body of billing disputes with the right to seek administrative and judicial appeals; prohibits service cutoff, imposing a lien, or including a property in tax sale if non-payment of water billing charges are under review, appeal or appellate review; require certain notifications prior to imposing service cutoff for non-payment, and require those persons issued a cutoff notice be given the opportunity to enter into a payment agreement; reduce the interest rate applicable to redemptions from tax sale of properties designated as an owner's principal residence by the State Department of Assessments and Taxation; and providing for special effective dates.

Brief History

The Department of Public Works is the agency responsible for the planning, development, operation, and maintenance of the water, wastewater, and stormwater systems. The Baltimore City water system is fed by three reservoirs (Prettyboy, Loch Raven, and Liberty) and can be supplemented by a withdrawal location from the Susquehanna River above Conowingo Dam. This raw water is treated at one of three water filtration plants (Montebello Plants I and II, Ashburton) before it is distributed. This system provides potable water to Baltimore City, Baltimore County, and portions of Howard and Anne Arundel counties. Raw water is supplied to Carroll and Harford counties. Baltimore City receives and treats wastewater from the City, Baltimore County, and portions of Howard and Anne Arundel counties at one of two wastewater treatment plants (Patapsco, Back River). The City maintains its stormwater infrastructure, which includes storm drains and inlets, pumping stations, and hundreds of

CITY OF BALTIMORE MEMORANDUM

Best Management Practices (BMPs). All three of these systems are separate enterprise funds, which mean that they must be operated without profit or loss to other funds of the City. Revenue derived from water charges, sewer charges and the stormwater remediation fee must be used solely for the operations and capital programs of each of the respective enterprise funds.

New City Assistance Program: In January 2019 the Board of Estimates approved rate increases of 9% beginning July 1, 2019, July 1, 2020 and July 1, 2021. As part of that approval, the Board also approved a new water affordability program called Baltimore H2O Assists (BH2O Assists). The new program will become available July 1, 2019 and combines the discounts currently available to senior citizens with the exemptions provided under the Hardship Exemption program. Customers whose income is at or below 175% of the federal poverty level (FPL) will be eligible for the new program. The FPL is adjusted annually. Customer households of one to three persons will be eligible at the three-person FPL income level (\$37,326). Customers who are at or below 50% of FPL would be eligible for the BH2O Plus program which would provide an additional credit currently set at \$236 and applied in equal amounts over a 12-month period. This credit amount would adjust with rate increases. The Low-Income Water Bill Assistance program will still be available to these customers who have arrearages, providing them the opportunity to receive an additional \$236 toward their unpaid balance as part of a payment plan. Payment plans will continue to be available to any customer who wishes to pay down arrearages.

It is estimated that just over 43,000 customer households will qualify for the BH2O Assists program, receiving a 43% discount on their water and sewer charges and the removal of Bay Restoration and Stormwater Remediation fees from the monthly bills. Customers already enrolled in the Senior Citizen discount program or the Hardship Exemption program will be automatically enrolled in the new BH2O Assists program. Customers who receive the BH2O Plus discount will have an additional \$19.66 deducted from their monthly bill. Using the average Baltimore household size of three persons and the industry average water usage of 6 units per month (6 Ccf = 4,488 gallons), this average household would be expected to receive a \$99.96 monthly bill. The BH2O Assists program would lower the monthly bill of this eligible customer household to \$61.15, resulting in an annual household credit of \$465.72. BH2O Plus would lower the monthly bill further to \$41.49, resulting in an annual household credit of \$701.64.

To better capture and grow enrollment, and to make the enrollment process as simple as possible, the Department is collaborating with the Mayor's Office of Human Services to process applications for the BH2O Assists and BH2O Plus programs. Human Services assists Baltimore residents with enrollment in energy assistance programs, which use 175% of the FPL as one of the enrollment criteria. Their clients must provide proof of income as part of that enrollment process. Rather than creating another application process, clients who are found eligible for the energy assistance program and who are customers of the water utility will become simultaneously eligible for the BH2O programs. In addition, customers will be able to go to one of the five Community Action Centers to apply. The Department is very grateful to the Department of Human Services for their willingness to provide residents easier access to a streamlined process for enrollment in BH2O programs.

On May 15, 2019 Mayor Young held a press event to discuss several issues, including the BH2O assistance programs. At that press event he highlighted the components of the BH2O programs and voiced his strong support for their implementation that will begin July 1, 2019. He also noted that he will be establishing an independent office within the Environmental Control Board to hear and recommend

CITY OF BALTIMORE MEMORANDUM

resolutions to customer water billing disputes separate from but after completion of the Department of Public Works administrative appeal process.

Fiscal Impact

City Council Bill 18-0307 would create an affordability program for households with incomes below 200% of the federal poverty level (FPL). The legislation would make any tenant eligible even if the tenant household subleases or is residing in a building or complex served by a master meter. The affordability credit would be calculated using a formula for each individual applicant based on an estimated bill amount, estimated annual income, and a tiered approach for applying credits (50% or less of FPL, the credit is based on 1% of annual income; greater than 50% but less than 100% of FPL, the credit is based on 2% of annual income; greater than 100% of FPL, the credit is based on 3% of annual income). Consumers served by master meters would receive a check for the amount of the discount and could choose to receive the credit on a monthly basis. The bill provides that the City divide the credit among the household members on the lease who share in the rent or prorate for persons who are subleasing. Unused credits would be transferred to a new property if the applicant relocated, or in the case of the consumer's demise, transferred to the surviving member of the household. Consumers would be expected to self-report if their income exceeds the eligibility criteria and it would be up to the Department to recover any credits distributed during any period of ineligibility. Program recipients would not be liable for any penalties for delinquent bills while enrolled in the program, nor could they be subject to turnoffs. Each on-time payment of a monthly bill would also be credited toward a pre-enrollment arrearage until all arrearages are satisfied.

The following is a list of some of the problems the Department has with the proposed affordability program: the program is not compatible with the current billing system in that it creates eligibility for persons who are not customers of the water utility; it would require significant changes to the billing system to create some sort of means to attach payment and credit tracking for persons served off of one master meter; it applies a credit prospectively for water that may or may not be used in the future; it involves the Department in private tenant-landlord leases and HOA agreements, etc.; it requires the issuance of checks in certain circumstances and, as the Department does not issue checks, would require some process and protocol with the Department of Finance to verify, confirm, and track those payments. It is difficult to ascertain the full fiscal impact of the program as written. While the President's office shared a draft fiscal statement comparing enrollments in BH2O programs with the water-for-all program, the water-for-all program was shown to have a lower enrollment impact than BH2O even though the water-for-all program has a 200% of FPL eligibility threshold and includes persons who are not counted in the BH2O program. In addition, no implementation costs are included in the analysis. Since the program would require significant changes to the billing system and require other internal and external tracking and processing steps, it is expected that the costs would be significant. The analysis also does not estimate the fiscal impact of writing down arrearages through the bill's provision of crediting the discounted on-time monthly bill payments against those account balances.

City Council Bill 18-0307 would create an Office of Water-Customer Advocacy and Appeals that would have access to all customer records held by the Department. It could investigate disputes even if the requestor has not exhausted all administrative processes, conduct appeal hearings, adjust customer bills, refund or reduce charges, and reverse Department administrative decisions. Persons accessing this

CITY OF BALTIMORE MEMORANDUM

process would not be subject to turnoffs, disputed amounts could not serve as the basis for a lien against the property, and could not be subject to tax sale. City Council Bill 18-0307 would also create a Committee for Office Oversight comprised of the Inspector General, the City Auditor, Director of DPW, City Council President, and three Councilmembers. It would review the operations of the Advocacy and Appeals Office, provide advice and guidance, and recommend new or modified policies and procedures.

Mayor Young announced his intention to establish an independent office within the Environmental Control Board to hear and resolve water billing disputes. This established body has processes and structures in place which can be adapted to a water billing dispute resolution office. It is to be expected that the Department would have to assign several of its staff to respond to an independent body's requests, provide assistance, appear at hearings, and develop case management processes and procedures to track outcomes and make any adjustments to accounts.

City Council Bill 18-0307 outlines provisions for turning off water service due to delinquencies. It requires notice at least 45 days in advance of a turnoff date, served by both certified mail and posting on the front entrance of the premise. It stipulates what information must be in the notice, including assistance programs and payment plan availability. A list of customer situations which would prohibit turnoffs are included in the legislation. It has been this Department's experience that residents routinely ignore or refuse to accept certified mail from the City of Baltimore – whether such a refusal would delay a turnoff is not clear in the legislation. The Department attempted to post premises for turnoffs at one time. Residential neighborhoods objected to the postings, believing that it contributed to a negative portrayal of their community; many multi-family structures that were posted had the notices immediately torn down – again; the legislation is silent on whether removal of the posted notices would negate turnoffs. It is the practice of the Department to accept medical certificates as a reason for not conducting turnoffs as well as bankruptcy proceedings. Age of occupants has not been included as a reason to not conduct turnoffs. The Department presumes that the legislation does not interfere with the shutting off of water service for water service breaks that threaten the structure of the premise or impacts adjacent properties.

Finally, the provisions of City Council Bill 18-0307 pertaining to changes to the tax sales would go into effect at the time of enactment and the bulk of the legislation would become effective six months after its enactment. The water-for-all affordability program would require extensive reworking of the billing system and other processes, which could not be completed in such a small timeframe. A similar program adopted in Philadelphia took a year and a half and millions of dollars to establish. In addition, the BH2O programs will be in place and accepting enrollments beginning July 1 of this year. The water-for-all program would be a competing program attempting to serve some of the same customers.

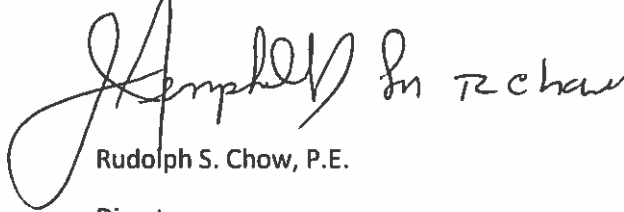
Agency/Department Position

The Department of Public Works has proceeded with a new affordability program proposed and adopted by the Board of Estimates which will go into effect July 1, 2019. The costs to establish the BH2O programs have been minimal and the fiscal impact of the programs are already factored into the rate increases approved by the Board of Estimates. Mayor Young, formerly the lead sponsor of this legislation, endorses the BH2O programs and has announced his intention to create an independent body within the Environmental Control Board to hear and consider water billing disputes. Based on the

CITY OF BALTIMORE MEMORANDUM

Mayor's recent announcements and the findings contained in this report, the Department of Public Works cannot support the legislation as written. The Department understands that the Committee intends to work on the legislation and is prepared to participate in that process.


Sincerely,

A handwritten signature in black ink that reads "Rudolph S. Chow". The signature is written in a cursive style with a large, looping initial "R".

Rudolph S. Chow, P.E.

Director

RSC:MMC

FROM	NAME & TITLE	Terry F. Hickey, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Mayor's Office of Human Services (MOHS) 7 E. Redwood Street, 5 th Fl.		
	SUBJECT	City Council Bill Report 18-0307		

DATE: May 16, 2019
TO: Members, City Council Taxation, Finance & Economic Development Committee
FROM: Mayor's Office of Human Services (MOHS)
POSITION: FAVORABLE
RE: Council Bill 18-0307 – Water Accountability & Equity Act

INTRODUCTION – City Council Bill 18-0307 specifies when water service may be cut off, institutes a revised system for entering a payment plan, establishes a water affordability program for those falling below a certain threshold and streamlines the process for water bill dispute resolution by creating the Office of Water-Customer Advocacy and Appeals and a Committee for Office Oversight.

AGENCY/DEPARTMENT POSITION –

The Mayor's Office of Human Services (MOHS) appreciates the opportunity to review and comment on this important legislation.

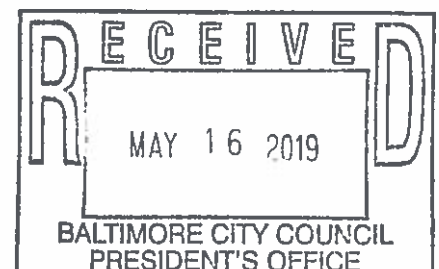
Through its various divisions (Community Action Partnership, Head Start and Homeless Services), MOHS staff work with some of the city's most vulnerable residents. MOHS' Office of Home Energy Assistance (OHEP) serves more than 20,000 Baltimore City residents at five CAP Centers, many of whom are at or below 175% of the federal poverty level, providing more than \$20M in assistance with home electric and heating bills. CAP staff, since the start of the most recent fiscal year, have also processed over 2,000 applications for water assistance.

Front line MOHS staff witness on a daily basis the impact of poverty and the importance of access to effective and efficient utility assistance. Case managers at CAP centers are hearing more and more from low income Baltimore residents, primarily seniors and families, who cannot afford the rising cost of water. The inability of households to pay basic utilities can also jeopardize stable housing which leaves families vulnerable to experiencing homelessness.

The Mayor's Office of Human Services is in support of any attempt to create a comprehensive water assistance program for constituents. In fact, MOHS has initiated conversations with the Department of Public Works in the interests of assisting with the implementation of such a program. For this reason, the agency is recommending a favorable report on Council Bill 18-0307.

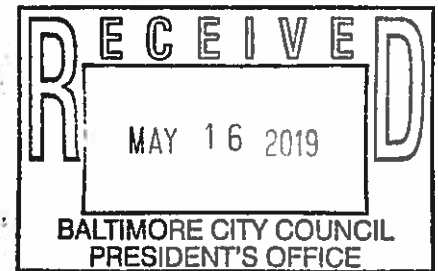
If you have any questions, please do not hesitate to contact me directly at Terry.Hickey@baltimorecity.gov or 410-396-7370.

Favorable



favorable with
Amendments

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202



Re: City Council Bill 18-0307 – Water Accountability and Equity Act

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0307 for form and legal sufficiency. It would make changes to the way that the City bills for water consumption by making changes to several sections of the City Code. The Law Department will address issues in the bill in order and suggest amendments as necessary.

First, the bill would modify Section 7-3 of Article 13 of the City Code to include two provisions that impact residential leases. In 7-3(A-1)(1), the bill would require an express provision in a written lease if a landlord requires a residential tenant to pay for water or wastewater. This is a bit broader than the existing state law that requires the same thing for a subset of residential tenants. Md. Code, Real Prop., § 8-205.1. Although it could be argued that state law has preempted this section of the bill, since the bill can be read in harmony with existing state laws, and because it is unclear that there is any intent by the State to occupy the field, a court would not necessarily find preemption. *See, e.g., Worton Creek Marina, LLC v. Claggett*, 381 Md. 499, 512-513 (2004).

Second, the bill would modify Section 7-3(A-1)(2) of Article 13 of the City Code to declare that a signed lease establishes, for the purpose of the lease term, the owner's "authorization" to the Department of Public Works ("DPW") to release account records to the tenant. Later in the bill, changes to Section 2-1(D)(2)(II) of Article 24 of the City Code would permit DPW to send the original of the bill directly to the tenant instead of the landlord. These sections have to be changed to comply with Maryland's Public Information Act, which prevents the government from disclosing financial records to anyone other than the person in interest. Md. Code, Gen. Prov., §4-336(b). Disclosure can occur to anyone that is the *designee* of the person in interest. Md. Code, Gen. Prov., §4-101(g)(1). Thus, the language in Sections 7-3(A-1)(2) and 2-1(D)(2)(II) of the bill should be changed to conform with this state law, as the City has no legal ability to disclose a record in a manner inconsistent with the Maryland Public Information Act. 86 Md. Op. Atty. Gen. 94, 107 (2001). In addition, the change to Section 2-1(D)(2)(II) is also required to comply with Section 8-205.1 of the Real Property Article of the Maryland Code. **Amendment language is attached to this report.**

Next, the bill creates a new definition of customer in Section 1-11(D) of Article 24 of the City Code to include *some* tenants. Similarly, the use of the phrase "who is responsible for payment of the cost of water or wastewater services at that residence" in Section 1-11(L) appears to encompass *some* tenants. The language in Section 1-11(N) also appears to try to encompass tenants that pay for water or wastewater "separate from fix periodic rent." The exclusion of some

tenants, such as those who pay for water or wastewater as part of their fixed periodic rent, must have a rational basis to comport with the Equal Protection Clause of the United States Constitution. *See, e.g., Christopher v. Montgomery County Department of Health and Human Services*, 381 Md. 188, 215-17 (2004) (holding that a law cannot be applied “so as to make unjust discriminations between persons in similar circumstances, material to their rights, such denial of equal justice is within the prohibition of the Constitution.”). The City must articulate a rational basis for including residential tenants that pay for water or wastewater in one way but excluding those that pay differently. Alternatively, the bill could be modified to include all residential tenants. If a modification is desired, Section 2-7(B)(3)(IV) should also be amended to conform to the modification.

Additionally, it is important to recognize that the City provides water or wastewater services to the applicant, which is the owner of the property at which the service is requested. *Home Owners’ Loan Corp. of Washington, D.C. v. Mayor and City Council of Baltimore*, 175 Md. 676, 686 (1939). In the 1970s, Maryland’s highest court confirmed that the City could not put a water bill in the tenant’s name alone because the water is supplied to the property owner pursuant to an application for service at a particular address. *Property Owners’ Ass’n of Baltimore City, Inc. v. City of Baltimore*, 268 Md. 194, 199 (1973). It is for this reason that the proposed language for Section 2-9(B) of Article 24 of the City Code that refers to a water *account* must be changed to reflect that the credit is not applied to an account because those accounts are associated with the address of the applicant, not the person paying the bill. Similarly, the requirement in the bill that those receiving the credits be required to pay the bills issued must be modified, as that is a requirement of the owner of the property. **Amendment language is attached to this report.**

Maryland’s Highest Court has recognized that “dispute about water arises out of the conflicting interests of natural adversaries, the landlord and the tenant” and held that the City is often “caught between Scylla and Charybdis or, to use the vulgate, between a rock and a hard place.” *Id.* at 195. The Court explained, however, that whether the tenant or landlord is paying for water consumption, it is illegal for a landlord to let a tenant live in a dwelling that does not have running water. *Id.* at 201. That remains the law in Maryland. Md. Code, Real Prop., § 8-211; Baltimore City Code of Public Local Laws, § 9-9(b). Thus, failure of a tenant to pay for water, even when required under a lease, will not release the property owner from the duty to insure that there is water at the premises, although that owner may have a subsequent cause of action against the tenant for reimbursement under the terms of the lease. Nor will the tenant’s payment to the City directly be a clear a bar to eviction if the lease characterizes that utility payment as additional rent. *See, e.g., Smith v. Wakefield, LP*, 462 Md. 713, 735 (2019). As noted above, defining “tenant-water-utility-customer” as those that pay for water and wastewater separate from fixed periodic rent, may not capture all tenants. *See, e.g., Lockett v. Blue Ocean Bristol*, 446 Md. 397 (2016).

The bill’s modification of the language in Section 2-3(d) of Article 24 would change the existing mandate that requires DPW to turn off water that is not authorized to be connected to the water system, to a permission that DPW may but need not turn off that water. This turn-off provision is not related to payment, but has to do with contamination of the City’s water supply by those hooking up to it without permission. While the change is legally permissible, it is unclear why it would behoove the City to give the DPW director permission to have unauthorized water

connections. If this change is desired, the language in Sections 21-4 (Wrongful use after cut-off) and 21-6 (Interference with equipment; Illegal Use of Water) of Article 24 the City Code should be reviewed to determine if there is a desire to conform the language.

The bill's proposed change to Section 2-6(A)(1) of Article 24 would give the DPW Director power to create the rules and regulations to implement this program. However, the DPW Director does not collect the bills or manage the lien process, as the Charter gives those functions to the Department of Finance. Baltimore City Charter, Art. VII, §§10-13. Thus, if the goal of the bill is to mandate anything with respect to water billing or liens for unpaid water bills, the language in Section 2-6 should be modified to include the Director of Finance. Similarly, Section 2-6(C) requires the DPW Director to place a certain notice in each bill, which is, in fact, done by the Department of Finance. Comparable changes are also required to the bill's proposed language for Sections 2-9(B)(1), 2-11(C), 2-20(C)(1)(I), 2-20(D)(2) and 4-5(a)(1) of Article 24. This includes changes to the Office of Water Customer Advocacy and Appeal's equitable adjustment process so that it has the power to change the amount due on a bill, which would thus result in a refund or reduction of the bill. **Amendment language is attached to this report.**

The bill's language for Sections 2-7(B)(1) and (B)(3)(III) of Article 24 of the City Code must be amended to comply with Section 4-102 of the General Provisions Article of the Maryland Code that prevents any government in Maryland from keeping any information about a person that is not needed and relevant to the accomplishment of the purpose set forth in the statute at issue. Md. Code, Gen. Prov., § 4-102. Here, there is no clear need on an application for the Water-for-All program for the ages of the members of a household or the amount of rent paid, as neither have any bearing on eligibility for the program. **Amendment language is attached to this report.**

For the same reason, the bill's proposed language in Section 2-7(C)(2) that requires an applicant to submit photocopies of tax documents must be changed so that it is clear that the City is not keeping copies of such documents, but rather viewing them and recording the income amount and returning to them to the applicant so that the City is not retaining records of exemptions, credits or other tax information that is not needed by the City to accomplish the purpose of the program. This will also help the City comply with Section 13-202 of the Tax-General Article of the Maryland Code that mandates government keep certain tax information in strict confidence. **Amendment language is attached to this report.**

The proposed language in Section 2-7 of Article 24 should be modified to clarify if the applicant is a person or an entire household. Thought should be given to what will happen to the credit if a member of the household whose income was part of the credit is no longer in that household. The language in Sections 2-7(B)(4) should be modified to include all members of the household whose income will be part of the application. **Amendment language is attached to this report.**

The credit calculation in the bill's proposed Section 2-8(B) needs to be clarified so that it is clear what income is to be used in the calculation. The language refers to the recipient of a credit, but it is unclear if that recipient is meant to be the applicant or the entire household. While the entire household may be captured in the "B" variable for water bill (assuming the same people lived in the household in the past during the time utilized for the average calculation), the entire

household is not necessarily captured in the variable “I” for income. Additionally, the term “average annual water usage” is vague as there are at least three different ways to calculate average: mean, median and mode. Failure to clarify the method to calculate this credit would make the bill void for vagueness. *See, e.g., A.B. Small Co. v. American Sugar Refining Co.*, 267 U.S. 233, 238-39 (1925) (civil laws can be void for vagueness if “it required that transactions named should conform to a rule or standard which was so vague and indefinite that no one could know what it was.”). It could also make the administration of the program susceptible to a Constitutional challenge that it treats similarly situated people differently. *See, id.* at 215-17 (a law cannot be applied “so as to make unjust discriminations between persons in similar circumstances, material to their rights, such denial of equal justice is within the prohibition of the Constitution.”).

Similarly, the arrearage provisions in Sections 2-12(5), 2-13 and 4-5 need to be clarified so that it is clear whether the arrearages at issue are those associated with the property at which the customer currently resides or prior locations. It is unclear if the intent is to allow a customer currently residing at one location to stay the pre-enrollment arrears at another location. For example, the phrase “satisfies all of a recipient’s current water liabilities” in Section 2-13(c) is a non-sequitur as the arrearage is currently tied to an account, which is based on a particular property.

The language proposed in the bill for Section 2-9(B)(4) must be modified to return unused credit money to the water and wastewater self-sustaining fund, and not to the Director of Finance in accordance with Section 18(a) Article VI of the City Charter. **Amendment language is attached to this report.**

Next, the Office of Water Customer and Advocacy proposed in the bill must be housed within DPW, the same custodian of the water billing records, so that employees of that Office will be legally able to view water bills without violating state law. Md. Code, Gen. Prov., §4-336(b); *Montgomery v. Shropshire*, 420 Md. 362, 365-66 (2011). That state law will also have the same impact on the Office as it would on any other City agency when responding to requests for information like those referenced in Section 2-20(B)(2). Placing the Office inside DPW is also required so that the Office can perform water bill adjustments and make the final decision on them, as those are functions that the City Charter mandates be carried out by DPW. City Charter, Art. VII, §§ 33, 34. This also then allows the Office to facilitate leak investigation as proposed in Section 2-20(B)(1)(V) of the bill since that is also a function that the Charter mandates be performed by DPW. City Charter, Art. VII, § 31. **Amendment language is attached to this report.**

Additionally, the mandate in Section 2-17(C)(1)(IV) that requires the Office of Water Customer and Advocacy to investigate whether notices should be in other languages is subject to the existing federal law mandating certain types of access to government services to those of limited English proficiency. *See Civil Rights Act of 1964*, PL 88-352, 78 Stat. 241 (1964); 65 FR 50121 (2000 Federal Executive Order 13166).

The appeals process contemplated in the bill’s proposed Section 2-21 of Article 24 must be read to be in accordance with the holding in the case of *Mayor and City Council of Baltimore v. ISG Sparrows Point, LLC*, No. 980, Sept. Term. 2009 (Md. Ct. of Special Appeals, November 4, 2011)(unreported). That case evaluated DPW’s informal conference process for water billing

disputes and the Court wrote that once the City established “a system of adjudicatory hearings, the DPW was obligated to operate it in accordance with principles of fundamental fairness, including procedural due process.” *Id.* at 24. The Court was clear that any hearing process- informal or created by law as proposed in this bill- is a quasi-judicial hearing requiring that both the customer and the agency make a record of the process, be given ample time to present the case and allow cross-examination. These requirements cannot be met if the Appeals Officer is able to hold conferences before or during the hearing. The bill must be amended to remove this option. For the same reason, during any continuance the Appeals Officer may not take any additional evidence, by way of investigations, communications, or otherwise, as that information would also not be on the record or subject to cross-examination. **Amendment language is attached to this report.**

Although there need not be formal rules of evidence in this administrative appeal process, the use of the term “prima facie evidence” in Section 2-21(E) is problematic because it is not clear that it meets the legal standard in Maryland. In Maryland, a legislature, “in the exercise of its general power to prescribe rules of evidence, may provide that proof of a particular fact shall be prima facie evidence of another fact, when there is some rational connection between the fact proved and the ultimate fact presumed; but the legislative presumption is invalid when it is entirely arbitrary, or creates an invidious discrimination, or operates to deprive a party of a reasonable opportunity to present the pertinent facts in his defense.” *See Maryland Unemployment Compensation Board v. Albrecht*, 183 Md. 87, 95 (1944). Here, the fact that a meter reading is unreasonably high is not logically a predictor of whether the “meter is incorrect” but could reflect an incorrect meter size or a malfunctioning meter. As written, the language in the statute could allow the Appeals Officer to preclude DPW from presenting evidence that the meter is functioning properly. Thus, an amendment is needed to clarify the use of this term. **Amendment language is attached to this report.**

The judicial review process in Section 2-21(G) and Section 2-22 must be amended to conform with the process set forth in the referenced Maryland Rules. Md. Rule 7-201, *et. seq.* **Amendment language is attached to this report.**

The language in Section 2-22(B) must be removed as it is impermissibly vague. *See, e.g., A.B. Small Co.* 267 U.S. at 238-39. It is not possible for a delinquency or arrearage be reduced to a judgment in a civil action unless the City sues the property owner for the unpaid water bills directly, as the City provides water pursuant to an application by the property owner. *See, e.g., Property Owners’ Ass’n of Baltimore City, Inc.*, 268 Md. at 199. This would not relate to the tenant’s occupation of the property, nor have any impact on a Summary Ejectment case. Md. Code, Real Prop., § 8-402.2. Moreover, the City has no ability to legislate over the actions of the Sheriff’s Department, nor stay the execution of a judgment as those are areas exclusively controlled by state law. Md. Code, Cts & Jud. Proc., §2-301, *et. seq.*; *see, e.g., Worton Creek Marina, LLC*, 381 Md. at 512-513 (discussing preemption). Moreover, failure by a sheriff to execute a warrant or other attachment can subject that sheriff to contempt of court or result in punishment by fine, called amercement. Md. Code, Cts & Jud. Proc., § 2-304. **Amendment language is attached to this report.**

The bill’s language in proposed Section 2-23 conflicts with Section (19) of Article II of the City Charter, which is state law. That state laws defines any unpaid municipal charge as a lien

against the real property at issue. City Charter, Art. II, § (19). The tax sale process is also a creature of state law, and the City is unable to provide that disputed bills stay the tax sale process. Md. Code, Tax-Prop., § 14-849.1. Evidence of this clear preemption is House Bill 161 from the 2109 General Assembly Session enacting the Baltimore City Water Taxpayer Protection Act. These same laws are also evidence that Section 8-4 of the bill preempted. *see, e.g., Worton Creek Marina, LLC*, 381 Md. at 512-513. **Amendment language is attached to this report.**

The language in Section 4-3(F)(4) and (5) should be reviewed because as written a turn-off can be avoided entirely by repeatedly entering into installment payment agreements or merely submitting repeated applications for the Water-for-All-Discount Program. Although on its face both provisions are legally sufficient, the program cannot be operated in such a way as to make the water fund no longer self-sustaining as required by Section 18(a) Article VI of the City Charter. For the same reason, the reduction of the interest rate in Section 8-1 may be problematic in practice if there is simply little incentive for the liens to be sold to recoup costs.

The language in Section 4-3(F)(6) should be clarified so that it is clear what medical conditions would warrant water service remaining on at a property because state law already deems a lack of water at a property as a habitability issue for healthy individuals. Md. Code, Real Prop., §8-211; Baltimore City Code of Public Local Laws, §9-9(b). Thus, this Section needs to be modified or removed so that it is not void for vagueness by failing to provide guidance to DPW as to when water turn-offs for medical issues are required. *See, e.g., A.B. Small Co.*, 267 U.S. at 238-39 (1925).

Subject to the required amendments, the Law Department can approve the bill for form and legal sufficiency.

Very Truly Yours,



Hilary Rulley
Chief Solicitor

Cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalta, Chief Solicitor
Ashlea Brown, Assistant Solicitor

Amendments:

Amendment for Sections 7-3(A-1)(2) and 2-1(D)(2)(II):

On page 3, delete lines 8 through 11 and substitute, "THE LEASE SHALL INCLUDE A PROVISION THAT THE LANDLORD MAKES THE TENANT A DESIGNEE UNDER MARYLAND'S PUBLIC INFORMATION ACT TO RECEIVE COPIES OF THE BILLS FOR THE WATER AND/OR WASTEWATER ACCOUNT AT ISSUE."

On page 6, in line 9, strike the second "THE" and substitute "A COPY OF THE".

Amendment for Sections 2-9(B) and 2-12(6):

On page 11, in line 35, and on page 12 in lines 1, 6 and 8, delete "ACCOUNT" and substitute "BILL".

On page 13, in line 8, delete "THE CUSTOMER PAY" and in that same line add "BE PAID" before the semi-colon.

Amendment for Sections 2-6(A)(1), 2-6(C), 2-9(B)(1) 2-11(C), 2-20(C)(1)(I), 2-20(D)(2) and 4-5(a)(1):

On page 7, in line 14, after "DIRECTOR" insert "AND THE DIRECTOR OF FINANCE".

On page 7, in line 29, and on page 11, in line 34, after "DIRECTOR" insert "OR THE DIRECTOR OF FINANCE. AS THE CASE MAY BE".

On page 12, in line 29, and on page 19, in line 26, and on page 28, in line 9, after "DEPARTMENT" insert "OF FINANCE".

On page 19, strike lines 1 through 6 and insert "CHANGE THE AMOUNT DUE ON A BILL FOR WATER OR WASTEWATER"; and renumber the Section accordingly.

On page 29, in line 9, after "DIRECTOR" insert "OF FINANCE".

Amendment for Sections 2-7(B)(1) and 2-7(B)(3)(III):

On page 8, in line 9, strike "AND AGES" and strike line 17.

Amendment for Section 2-7(C)(2):

On page 9, in line 9, delete "PHOTOCOPIES OF HIS OR HER" and substitute "FOR REVIEW THE RELEVANT."

Amendment for Section 2-7(B)(4):

On page 8, in lines 21 and 22 and, again, in lines 24 and 25, delete “THE APPLICANT OR THE APPLICANT’S AUTHORIZED REPRESENTATIVE” and substitute “ALL MEMBERS OF THE HOUSEHOLD WHOSE INCOME WILL BE EVALUATED FOR THE PROGRAM.”

Amendment for Section 2-9(B)(4):

On page 12, in lines 11 and 12, strike “THE DPW DIRECTOR SHALL RETURN TO THE FINANCE DIRECTOR” and in line 13 before the period insert “SHALL BE RETURNED TO THE SELF-SUSTAINING WATER FUND”.

Amendment to Section 2-17:

On page 15, in line 9, add “IN THE DEPARTMENT OF PUBLIC WORKS” after “APPEALS.”
On page 15, delete lines 22 and 23.

Amendment to Section 2-21(E):

On page 21, strike line 19. In the same page, in line 22, before the period, insert “BUT THE APPEALS OFFICER MAY NOT RECEIVE ANY ADDITIONAL EVIDENCE OR COMMUNICATIONS PERTAINING TO THAT MATTER DURING THE CONTINUANCE.”

Amendment to Section 2-21(E)(1)(VI):

On page 21 in line 18, strike “incorrect” and substitute “IS NOT FUNCTIONING PROPERLY OR IS THE WRONG SIZE”

Amendment to Sections 2-21(G) and 2-22:

On page 22, in line 12 and on the same page in lines 15 and 16, strike “OF PROCEDURE”.
On page 22, in line 14, insert “CIRCUIT” before “THE” and strike the second “TO”.
On page 22, in line 15, strike “THE COURT OF SPECIAL APPEALS”.
On page 22, strike lines 25 through 31.

Amendment to Sections 2-23 and 8-4:

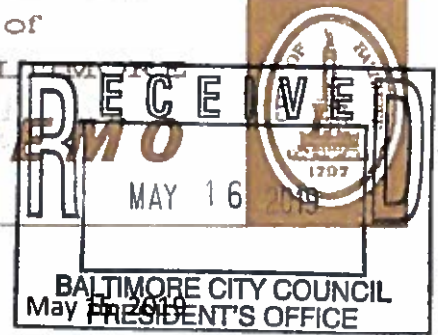
Delete Sections 2-23 and 8-4.

FROM	NAME & TITLE	Robert Cenname, Chief
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941
	SUBJECT	City Council Bill 18-0307 – Water Accountability and Equity Act

CITY of

BALTIMORE
MEMO

DATE:



TO

The Honorable President and
Members of the City Council
Room 400, City Hall

un favorable

City Council Bill #18-0307 was created for the purpose of increasing the affordability of water and wastewater service charges to low-income City residents by establishing the Water-for-all Discount Program, creating the Office of Water-Customer Advocacy and Appeals and the Committee for Office Oversight. The Bill also proposes amendments to Subtitle 8 of Article 28 of the City Code by reducing the interest rate from 12% to 5% on redemption from tax sale on owner-occupied properties.

Background

The City's Department of Public Works (DPW) currently offers a Low-Income Assistance Program, which is available to households with income within 175% of the Federal Government's official poverty income guidelines. Customers meeting these criteria are granted a fixed \$236 credit per year. DPW has also proposed a new program, the Baltimore H2O Assist, which provides a flat discount on water and sewer charges. In addition to this initiative, DPW offers other programs intended to assist customers unable to pay their water bills such as bill adjustments, payment plans or financial assistance, credits and fee exemptions for financial hardship.

The proposed legislation intends to expand the existing program with the creation of the Water-for-all Discount Program, which increases the household income eligibility criteria to 200% of the Federal Government's official poverty income guidelines. The proposed legislation would also adjust the assistance amount to be calculated based on water consumption and three poverty brackets.

Impact and Analysis

The Finance Department has identified two areas of concern of the proposed legislation:

- **Water and Wastewater Funds:** The proposed Water-for-a discount program includes a new office of Customer Advocacy, new thresholds for customer assistance and numerous new regulations regarding the management of the program. Any new costs would be borne by the water and wastewater funds and could lead to rate adjustments beyond those already planned. It is unclear how the proposed legislation compares to DPW's proposed Baltimore H2O Assists program. Therefore, we defer to DPW on the impact to these funds.
- **Incentive to Reduce Tax Sale Participation:** The proposed amendments to Subtitle 8 of Article 28 of the City Code would have a direct negative impact on the City's General Fund. The bill proposes to reduce the interest rate applied to the tax sale redemption of owner-occupied real property from 12% to 5%, which reduces the incentive for investors to participate in the City's tax sale process. Historically, the tax sale process has proven to be an effective enforcement

mechanism for the City to recoup delinquent property tax (General Fund) revenues. For example (based on the limited available data) in Fiscal 2018, at the time Final Bills and Legal Notices were sent to property owners, it is estimated that the City had more than \$40 million of real property tax revenue outstanding subject to tax sale. By year end, it is estimated that only \$7.3 million was uncollected. It is also estimated that about 56% or \$22.5 million of the delinquent amount represent owner-occupied property.

The existing 12% redemption interest rate represents the only incentive to investors to participate in this lengthy and time consuming program. Reductions to this rate would deter investors from tax sale as we do not believe that a 5% return is nearly enough to compensate investors for the risk of collection of delinquent bills. For illustrative purposes, the following table summarizes a set of investments options by average rate of return and level of risk:

Investment Type	Interest	
	Rate	Risk
S&P 500 (including dividends)	10.0%	High
Bail Bond	10.0%	High
Long-Term Private Lender	5.0%	Medium
Proposed Baltimore City Tax Sale	5.0%	High
Peer-to-Peer Lending	4.9%	Medium
6-Year Certificate of Deposit	3.1%	Low
US 10-Year Government Bond	2.7%	Low
Online Saving Account	2.2%	Low


In the current process, at the time of Final Bill and Legal Notices \$22.5 million of outstanding revenue is owed on owner-occupied property taxes, without the threat of tax sale, all of this General Fund revenue is at risk.

Another angle at analyzing this is to look at the City's overall collection. For example, in Fiscal 2018 the City collected 98% of property tax revenues. Even a 1% reduction in the City's collection rate represents about \$9 million of lost revenues.

Position

Based on these findings, the Department of Finance opposes CC Bill 18-0307.

cc: Henry Raymond
Jeffrey Amoros

F R O M	Name & Title	Letitia Dzirasa, M.D., Commissioner <i>WDH</i>	Health Department	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21202	AGENCY	
	Subject: Position:	CC #18-0307 FAVORABLE	REPORT RECEIVED MAY 5 2019 BALTIMORE CITY COUNCIL PRESIDENT'S OFFICE	

To: President and Members
of the City Council
c/o 409 City Hall

Favorable

The Baltimore City Health Department ("BCHD") is pleased to have the opportunity to review City Council Bill #19-0307, entitled "Water Accountability and Equity Act." This legislation specifies when water supplies may be cut-off, institutes a revised system for entering a payment plan, establishes a water affordability program for those below a certain income threshold, and streamlines the process for water bill dispute resolution by creating the Office of Water-Customer Advocacy and Appeals.

From the perspective of BCHD, there are several potentially positive programmatic and social impacts. BCHD's Division of Aging is the designated Area Agency on Aging for the City of Baltimore. As the Area Agency on Aging, the Division's mission is to act as an advocate for older adults in the City, enabling them to continue to live independently and with dignity in their homes and communities.

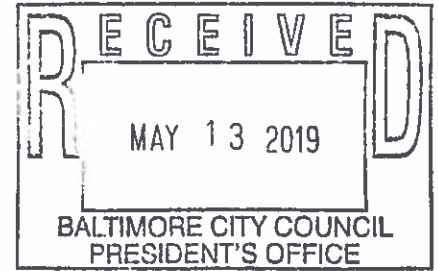
The Division is hearing more and more from low income Baltimore City seniors who cannot afford the rising cost of water. Older adults who are not able to pay for water find that their financial, health, and family problems are compounded. The inability to pay can also jeopardize older adults' ownership of their only major asset, their homes. In some cases, those who cannot pay their water bills end up in tax sale. Our agency has firsthand experience with this latter group; as the Area Agency on Aging, the Division is mandated by State law to assist seniors notified of a pending tax sale each spring.

When seniors contact the City to ask for help with water bill-related issues, specifically requests for financial aid or assistance navigating the water bill process, they often receive an indifferent or confusing response. The new Water-for-All Discount Program, to be created by Council Bill #18-0307, will provide a much-needed resource for older adults who are unable to pay their water bills. Moreover, the bill's Office of Water-Customer Advocacy and Appeals will give these vulnerable adults a mechanism for resolving disputes, and an advocate when they have billing discrepancies.

For the foregoing reasons, the Baltimore City Health Department strongly urges a favorable report on Council Bill #18-0307.



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: May 9, 2019

Re: **City Council Bill 18-0307 – Water Accountability and Equity Act**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 18-0307, which increases the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action and establishes a Water-for-All discount Program and an Office of Water-Customer Advocacy and Appeals.

DHCD is supportive of the intent of the bill and would defer to the Departments of Public Works and Finance on the passage of City Council Bill 18-0307.

If enacted, this bill will require the Department of Public Works (DPW) to adopt and enforce rules and regulations for a Water-For-All Discount Program for residential and tenant water utility customers whose annual household income is less than 200% of the Federal Government's official poverty income guidelines.

The bill will also require the establishment of an Office of Water-Customer Advocacy and Appeals (Office) that is independent of DPW but work in full cooperation and collaboration with DPW staff and contractors. The Office would address all requests for assistance relating to water and wastewater billing, service cut-offs, or lack of notice of billing-related issues. The Office would also establish a Committee for Office Oversight to review and evaluate the activities and operations of the Office and provide advice, guidance and recommendations for new or modified policies and procedures.

The bill would also reduce the interest rate on redemption of residential real property from tax sales to 5% from 12% if the property is listed in SDAT as the owner's principle residence.

If the bill is enacted it does not change the current process to support HCD with blight elimination efforts, which allows DPW to cut off water to properties that meet the requirement of a vacant structure as outlined in the Baltimore City Building Code, if damage to adjacent property is imminent or for properties that are scheduled for demolition.

F, defers to DPW's Finance

MB:sd

cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*

**CITY OF BALTIMORE
COUNCIL BILL 18-0307
(First Reader)**

Introduced by: President Young, Councilmembers Henry, Stokes, Scott, Costello, Burnett,
Pinkett, Cohen, Sneed, Middleton, Bullock, Schleifer, Clarke, Dorsey, Reisinger

Introduced and read first time: December 3, 2018

Assigned to: Taxation, Finance and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Health
Department, Mayor's Office of Human Services, Department of Housing and Community
Development, Department of Finance, Office of Inspector General

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Water Accountability and Equity Act**

3 FOR the purpose of increasing the availability or affordability of basic water and wastewater
4 service to low-income consumers and assuring a fair process for all consumers before the
5 City exercises its authority to cut off water services, impose liens, or take similar action;
6 establishing for these purposes a Water-for-All Discount Program, an Office of Water-
7 Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the
8 eligibility requirements for the Water-for-All Discount Program and its grant of an annual
9 billing credit, and providing for the credit's administration, computation, distribution, and
10 recertification requirements and for the effect of midyear ineligibility, program arrears, and
11 related matters; excepting recipients in the Water-for-All Discount Program from certain
12 penalties imposed on certain delinquent service charges; providing for the operational
13 independence of the Office of Water-Customer Advocacy and Appeals as a neutral
14 intermediary authorized to conduct problem-solving investigations of water and wastewater
15 billing and related disputes and authorized, subject to certain limitations and the right to seek
16 administrative and judicial appeals, to implement solutions to those disputes; specifying the
17 personnel of the Office of Water-Customer Advocacy and Appeals who are required to file
18 financial disclosure statements under the City Ethics Code; providing for the Committee for
19 Office Oversight's composition, officers, meetings, and oversight duties; providing that the
20 non-payment of water and wastewater charges subject to a pending request for Office
21 investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for
22 a service cut-off, the imposition of a lien against property, or a property's inclusion in certain
23 tax sales; requiring certain notices before, and imposing certain restrictions and limitations
24 on, service cut-offs for delinquency of payments; requiring that persons who have been
25 issued a cut-off notice be offered the opportunity to enter into an installment payment
26 agreement, subject to certain terms and conditions; reducing the interest rate applicable to
27 redemptions from tax sale of properties designated by the State Department of Assessments
28 and Taxation as the owner's principal residence; defining various terms; clarifying and
29 conforming related provisions; and providing for special effective dates.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 18-0307

1 BY adding
2 Article 13 - Housing and Urban Renewal
3 Section 7-3(a-1)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Article 24 - Water
8 Sections 1-11, 2-1, 2-3, 4-2, 4-3, and 4-5
9 Baltimore City Code
10 (Edition 2000)

11 BY adding
12 Article 24 - Water
13 Sections 2-4 through 2-24
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 28 - Taxes
18 Section 8-1
19 Baltimore City Code
20 (Edition 2000)

21 BY adding
22 Article 28 - Taxes
23 Section 8-4
24 Baltimore City Code
25 (Edition 2000)

26 BY adding
27 Article 8 - Ethics
28 Section 7-8(44)
29 Baltimore City Code
30 (Edition 2000)

31 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
32 **Laws of Baltimore City read as follows:**

33 **Baltimore City Code**

34 **Article 13. Housing and Urban Renewal**

35 **Subtitle 7. Residential Lease Requirements**

Council Bill 18-0307

1 § 7-3. Information required.

2 (A-1) *PAYMENT FOR WATER AND WASTEWATER SERVICES.*

3 (1) ANY PROPERTY OWNER OR MANAGING OPERATOR WHO REQUIRES THAT A TENANT PAY
4 THE COSTS OF WATER OR WASTEWATER SERVICES, WHETHER DIRECTLY TO THE
5 DEPARTMENT OF PUBLIC WORKS OR AS REIMBURSEMENT TO THE OWNER OR
6 MANAGING OPERATOR, SHALL INCLUDE THAT REQUIREMENT IN AN EXPRESS PROVISION
7 OF A WRITTEN LEASE.

8 (2) THIS LEASE PROVISION SHALL INCLUDE A STATEMENT THAT THE SIGNED LEASE
9 ESTABLISHES, FOR THE DURATION OF THE LEASE TERM, THE OWNER'S AUTHORIZATION
10 TO THE DEPARTMENT OF PUBLIC WORKS TO RELEASE THE ACCOUNT RECORDS TO THE
11 TENANT ON REQUEST OF THE TENANT OR AN AGENT OF THE TENANT.

12 Article 24. Water

13 Subtitle 1. Director of Public Works

14 § 1-11. Definitions.

15 (a) *In general.*

16 In this article, the following terms have the meanings indicated.

17 (B) *APPLICANT.*

18 "APPLICANT" MEANS A CUSTOMER WHO APPLIES FOR THE WATER-FOR-ALL DISCOUNT
19 PROGRAM.

20 (C) *AUTHORIZED REPRESENTATIVE.*

21 "AUTHORIZED REPRESENTATIVE" MEANS A PERSON WHO HAS BEEN DESIGNATED IN
22 WRITING BY THE APPLICANT OR RECIPIENT TO ACT ON BEHALF OF THE APPLICANT OR
23 RECIPIENT. THE WRITING NEED NOT BE NOTARIZED.

24 (D) *CUSTOMER.*

25 "CUSTOMER" MEANS:

26 (1) THE OWNER OR TENANT OF A PROPERTY WHO RECEIVES OR IS REQUESTING TO
27 RECEIVE WATER OR WASTEWATER SERVICES FROM THE DEPARTMENT; OR

28 (2) THAT OWNER'S OR TENANT'S AUTHORIZED REPRESENTATIVE.

29 (E) *DEPARTMENT.*

30 "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC WORKS.

Council Bill 18-0307

1 (F) *DIRECTOR; DPW DIRECTOR.*

2 "DIRECTOR" OR "DPW DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
3 PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE.

4 (G) *ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER.*

5 "ELIGIBLE RESIDENTIAL-WATER-UTILITY CUSTOMER" AND "ELIGIBLE
6 TENANT-WATER-UTILITY CUSTOMER" MEAN A CUSTOMER WHO IS ELIGIBLE FOR THE
7 WATER-FOR-ALL DISCOUNT PROGRAM.

8 (H) *HOUSEHOLD.*

9 "HOUSEHOLD" MEANS AN INDIVIDUAL OR GROUP OF INDIVIDUALS WHO ARE LIVING
10 TOGETHER AS ONE UNIT AND FOR WHOM WATER AND WASTEWATER SERVICES ARE
11 PURCHASED IN COMMON.

12 (I) *INCLUDES; INCLUDING.*

13 "INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
14 LIMITATION.

15 (J) [(b)] *Person.*

16 "Person" means:

17 (1) an individual;

18 (2) [(3)] a partnership, firm, association, corporation, limited liability company, or
19 other entity of any kind; OR

20 (3) [(2)] a receiver, trustee, guardian, personal representative, fiduciary, or
21 representative of any kind[; or].

22 (K) *RECIPIENT.*

23 "RECIPIENT" MEANS A PERSON WHO IS ELIGIBLE FOR AND ENROLLED IN THE
24 WATER-FOR-ALL DISCOUNT PROGRAM.

25 (L) *RESIDENTIAL-WATER-UTILITY CUSTOMER.*

26 "RESIDENTIAL-WATER-UTILITY CUSTOMER" MEANS A CUSTOMER:

27 (1) WHO OWNS AND OCCUPIES REAL PROPERTY AS HIS OR HER PRINCIPAL RESIDENCE;

28 (2) WHOSE NAME APPEARS ON DEPARTMENT RECORDS OR WHO IS A LEGAL HEIR TO A
29 PERSON WHOSE NAME APPEARS ON DEPARTMENT RECORDS; AND

30 (3) WHO IS RESPONSIBLE FOR PAYMENT OF THE COST OF WATER OR WASTEWATER
31 SERVICES AT THAT RESIDENCE.

Council Bill 18-0307

1 (M) *TENANT.*

2 "TENANT" MEANS AN INDIVIDUAL WHO IS RENTING OR LEASING REAL PROPERTY AS HIS OR
3 HER PRINCIPAL RESIDENCE.

4 (N) *TENANT-WATER-UTILITY CUSTOMER.*

5 "TENANT-WATER-UTILITY CUSTOMER" MEANS A CUSTOMER WHO IS A TENANT AND WHO
6 CAN VERIFY THAT HE OR SHE PAYS A LANDLORD, SEPARATE FROM THE FIXED PERIODIC
7 RENT, AN AMOUNT FOR WATER OR WASTEWATER SERVICES PROVIDED TO HIS OR HER
8 PRINCIPAL RESIDENCE.

9 (O) *UNUSED CREDIT.*

10 "UNUSED CREDIT" MEANS ANY PORTION OF A WATER-FOR-ALL CREDIT NOT APPLIED TO
11 THE RECIPIENT'S WATER AND WASTEWATER BILL OR SENT TO THE RECIPIENT PRIOR TO
12 CUT-OFF OF SERVICE.

13 (P) *WATER-FOR-ALL CREDIT.*

14 "WATER-FOR-ALL CREDIT" MEANS THE TOTAL CREDIT TOWARDS THE COST OF WATER OR
15 WASTEWATER SERVICES FOR A HOUSEHOLD THAT A CUSTOMER IS ELIGIBLE TO RECEIVE
16 FROM THE WATER-FOR-ALL DISCOUNT PROGRAM FOR THE CALENDAR YEAR, AS
17 DETERMINED ON REVIEW OF THE CUSTOMER'S APPLICATION.

18 (Q) *WATER-FOR-ALL DISCOUNT PROGRAM; PROGRAM.*

19 "WATER-FOR-ALL DISCOUNT PROGRAM" OR "PROGRAM" MEANS THE WATER-FOR-ALL
20 DISCOUNT PROGRAM ESTABLISHED UNDER THIS ARTICLE.

21 **Subtitle 2. Bills**

22 **§ 2-1. Collection.**

23 (a) *Finance to collect.*

24 The bills for water used or work done by the Department of Public Works shall be
25 collected by the Department of Finance.

26 (b) *When due.*

27 UNLESS ABATED UNDER THIS SUBTITLE, [All] ALL bills therefor shall be paid within 20
28 days after they have been issued.

29 (c) *Cut-off on default.*

30 SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE, [On] ON default in [such] payment FOR
31 BILLS ISSUED UNDER THIS SECTION, the Department of Public Works may cut-off the
32 supply.

Council Bill 18-0307

1 (D) *COPY OF BILL TO TENANT-WATER-UTILITY CUSTOMER.*

2 ANY LANDLORD THAT REQUIRES A RESIDENTIAL TENANT TO PAY FOR THE COSTS OF
3 WATER OR WASTEWATER SERVICES SHALL:

4 (1) INCLUDE THAT REQUIREMENT IN A WRITTEN LEASE, AS PROVIDED IN CITY CODE
5 ARTICLE 13, § 7-3(A-1); AND

6 (2) EITHER:

7 (I) TIMELY PROVIDE THE TENANT WITH A COPY OF THE WATER OR
8 WASTEWATER BILL; OR

9 (II) TIMELY NOTIFY THE DEPARTMENT THAT THE BILL SHOULD BE SENT TO THE
10 TENANT.

11 **§ 2-3. Cut-off for [nonpayment] ARREARAGE.**

12 (a) *Property owners responsible.*

13 The owners of property are in all cases responsible for the payment of water bills.

14 (b) *Arrearages.*

15 (1) [Bills] IF A STRUCTURE FOR WHICH A BILL IS IN ARREARS IS NOT A VACANT STRUCTURE,
16 AS DEFINED IN BUILDING CODE § 116.4 {"VACANT STRUCTURES"}, THE DEPARTMENT
17 MAY CUT OFF [are sufficient reason for discontinuing] water service, SUBJECT TO THE
18 REQUIREMENTS OF THIS ARTICLE, until all arrearages are paid.

19 (2) If a structure for which a bill is in arrears is a vacant structure, as defined in Baltimore
20 City Building Code § 116.4 {"Vacant structures"}, the Department shall proceed as
21 follows:

22 (i) for a structure that has an accessible water meter, the Department shall cut off
23 the water to the premises; or

24 (ii) for a structure that does not have an accessible water meter, the Department
25 shall cut off the water to the premises if damage to adjacent property is
26 imminent or demolition of the property is planned.

27 (c) *Charge to restore service.*

28 (1) [When] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, WHEN a water supply
29 is cut off for nonpayment of water charges, a service-restoration fee must be paid
30 before the supply is turned on again.

31 (2) The amount of the service-restoration fee shall be as determined by the Board of
32 Estimates in accordance with Subtitle 3 of this article.

Council Bill 18-0307

1 (3) WHILE ENROLLED IN THE WATER-FOR-ALL DISCOUNT PROGRAM, A RECIPIENT IS NOT
2 LIABLE FOR ANY SERVICE-RESTORATION FEE IMPOSED UNDER THIS SUBSECTION.

3 (d) *Unauthorized use.*

4 The Department of Public Works [shall] MAY cut off the water from the premises of any
5 person who:

6 (1) introduces water to his, her, or its premises without authorization from the
7 Department; or

8 (2) permits another person (not entitled to use the water) to use the water without
9 authorization from the Department.

10 § 2-4. {RESERVED}

11 § 2-5. {RESERVED}

12 § 2-6. WATER-FOR-ALL PROGRAM – OVERVIEW.

13 (A) *DIRECTOR TO ADOPT RULES AND REGULATIONS.*

14 (1) THE DIRECTOR SHALL ADOPT AND ENFORCE RULES AND REGULATIONS TO ADMINISTER
15 A WATER-FOR-ALL DISCOUNT PROGRAM IN CONFORMANCE WITH THIS ARTICLE.

16 (2) A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE
17 FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE
18 EFFECT.

19 (B) *ELIGIBILITY CRITERIA.*

20 (1) EACH RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMER WHOSE HOUSEHOLD
21 INCOME IN A CALENDAR YEAR IS LESS THAN 200% OF THE FEDERAL GOVERNMENT'S
22 OFFICIAL POVERTY INCOME GUIDELINES, AS PUBLISHED ANNUALLY BY THE U.S.
23 DEPARTMENT OF HEALTH AND HUMAN SERVICES, IS ELIGIBLE FOR THE
24 WATER-FOR-ALL DISCOUNT PROGRAM.

25 (2) RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMERS ARE NOT REQUIRED TO BE
26 CITIZENS OR PERMANENT RESIDENTS OF THE UNITED STATES IN ORDER TO BE ELIGIBLE
27 FOR THE WATER-FOR-ALL DISCOUNT PROGRAM.

28 (C) *DIRECTOR TO INFORM CUSTOMERS OF PROGRAM.*

29 THE DIRECTOR SHALL INFORM EACH RESIDENTIAL- AND TENANT-WATER-UTILITY
30 CUSTOMER OF THE AVAILABILITY OF AND ELIGIBILITY CRITERIA FOR THE WATER-FOR-ALL
31 DISCOUNT PROGRAM IN EACH BILL AND IN EACH NOTICE PROVIDED UNDER § 4-3(D)
32 {"CUT-OFF FOR NON-PAYMENT: NOTICE"} OF THIS ARTICLE.

Council Bill 18-0307

1 § 2-7. WATER-FOR-ALL PROGRAM – APPLICATION FOR PROGRAM.

2 (A) *HOW SUBMITTED.*

3 A CUSTOMER MAY SUBMIT A WATER-FOR-ALL DISCOUNT PROGRAM APPLICATION TO THE
4 DEPARTMENT ONLINE, IN PERSON, OR BY MAIL.

5 (B) *REQUISITES FOR COMPLETE APPLICATION.*

6 EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A COMPLETE APPLICATION,
7 SIGNED AND DATED BY THE CUSTOMER OR THE CUSTOMER'S AUTHORIZED
8 REPRESENTATIVE, MUST INCLUDE:

9 (1) THE NAMES AND AGES OF ALL HOUSEHOLD MEMBERS;

10 (2) THE ESTIMATED ANNUAL HOUSEHOLD INCOME FOR THE CURRENT CALENDAR
11 YEAR;

12 (3) IF THE APPLICANT IS A TENANT:

13 (I) A STATEMENT, SEPARATELY SIGNED AND DATED BY THE CUSTOMER OR THE
14 CUSTOMER'S AUTHORIZED REPRESENTATIVE, THAT THE TENANT IS A
15 TENANT-WATER-UTILITY CUSTOMER;

16 (II) THE NAME AND ADDRESS OF THE LANDLORD;

17 (III) THE AMOUNT OWED IN RENT PER MONTH; AND

18 (IV) IF APPLICABLE, VERIFICATION THAT THE TENANT PAYS A SEPARATE
19 AMOUNT FOR WATER OR WASTEWATER SERVICES TO THE LANDLORD (*E.G.*,
20 BY COPY OF THE RENTAL OR LEASE AGREEMENT SO INDICATING);

21 (4) A STATEMENT, SEPARATELY SIGNED AND DATED BY THE APPLICANT OR THE
22 APPLICANT'S AUTHORIZED REPRESENTATIVE, ALLOWING THE DIRECTOR TO OBTAIN
23 VERIFICATION, THROUGH ANY APPROPRIATE SOURCES, ABOUT STATEMENTS MADE
24 OR DOCUMENTS PRESENTED BY THE APPLICANT OR THE APPLICANT'S AUTHORIZED
25 REPRESENTATIVE DURING THE APPLICATION PROCESS;

26 (5) A CERTIFICATION:

27 (I) THAT THE RECIPIENT WILL NOTIFY THE DEPARTMENT IMMEDIATELY IF THE
28 ACTUAL ANNUAL HOUSEHOLD INCOME EXCEEDS THE AMOUNT STATED IN
29 THE APPLICATION; AND

30 (II) THAT, IF THE ACTUAL INCOME RENDERS THE RECIPIENT INELIGIBLE, THE
31 RECIPIENT WILL FULLY AND PROMPTLY COOPERATE WITH THE
32 DEPARTMENT IN ITS EFFORTS, UNDER § 2-11(C) {"WATER-FOR-ALL ... –
33 MIDEAR INELIGIBILITY"} OF THIS SUBTITLE, TO RECOVER CREDITS
34 DISTRIBUTED FOR ANY PERIOD OF INELIGIBILITY; AND

Council Bill 18-0307

1 (6) A CERTIFICATION, SEPARATELY SIGNED AND DATED BY THE APPLICANT OR THE
2 APPLICANT'S AUTHORIZED REPRESENTATIVE, THAT ALL ANSWERS TO THE
3 QUESTIONS AND ITEMS ON THE APPLICATION FORM ARE TRUE AND ACCURATE TO
4 THE BEST OF THE APPLICANT'S KNOWLEDGE.

5 (C) *VERIFICATION.*

6 ON REQUEST BY THE DIRECTOR FOR GOOD CAUSE, THE APPLICANT SHALL:

7 (1) PROVIDE VERIFICATION OF THE INFORMATION PROVIDED ON THE APPLICATION;
8 AND

9 (2) SUBMIT PHOTOCOPIES OF HIS OR HER FEDERAL, STATE, OR CITY INCOME TAX
10 RETURN OR OTHER ACCEPTABLE EVIDENCE.

11 (D) *EXCEPTION FOR ENROLLEES IN CERTAIN STATE PROGRAMS.*

12 (1) INSTEAD OF THE APPLICATION SET FORTH IN THIS SECTION, AN APPLICANT WHO
13 DEMONSTRATES THAT HE OR SHE IS ALREADY A PARTICIPANT IN ANY STATE
14 PROGRAM WHERE ELIGIBILITY IS ESTABLISHED BY INCOME OF LESS THAN 200% OF
15 THE FEDERAL GOVERNMENT'S OFFICIAL GUIDELINES, IS DEEMED ELIGIBLE FOR THE
16 WATER-FOR-ALL DISCOUNT PROGRAM.

17 (2) THE DIRECTOR SHALL PROVIDE A STREAMLINED APPLICATION PROCESS FOR THESE
18 APPLICANTS AND MAY NOT REQUIRE ANY OTHER INCOME VERIFICATION FOR
19 PROGRAM ELIGIBILITY.

20 § 2-8. WATER-FOR-ALL PROGRAM – GRANT OF CREDIT.

21 (A) *IN GENERAL.*

22 EACH ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER WHO SUBMITS A
23 COMPLETE APPLICATION, CONTAINING THE INFORMATION REQUIRED BY § 2-7 {"WATER-
24 FOR-ALL ... – APPLICATION FOR PROGRAM"} OF THIS SUBTITLE, SHALL RECEIVE A
25 WATER-FOR-ALL CREDIT AS FOLLOWS:

26 (1) ELIGIBLE RESIDENTIAL-WATER-UTILITY CUSTOMERS SHALL RECEIVE 1 FIXED
27 ANNUAL CREDIT FOR EACH HOUSEHOLD. ONLY 1 CREDIT IS ALLOWED PER
28 HOUSEHOLD PER CALENDAR YEAR.

29 (2) ELIGIBLE TENANT-WATER-UTILITY CUSTOMERS SHALL RECEIVE ONLY 1 ANNUAL
30 CREDIT PER ELIGIBLE CUSTOMER. HOWEVER, WHERE THERE ARE MULTIPLE
31 TENANTS SHARING RENT IN A HOUSEHOLD, THE CREDIT SHALL BE DIVIDED AMONG
32 THOSE WHO ARE ON THE LEASE OR RENTAL AGREEMENT OR WHO OTHERWISE
33 VERIFY THAT THEY ARE ELIGIBLE TENANT-WATER-UTILITY CUSTOMERS. FOR
34 SUBLEASES, THE CREDIT SHALL BE PRORATED FOR THE TIME THAT THE SUBLESSEE
35 IS AN ELIGIBLE TENANT-WATER-UTILITY CUSTOMER LIVING IN THAT HOUSEHOLD.

Council Bill 18-0307

1 (B) AMOUNT OF CREDIT.

2 (1) FORMULA.

3 THE WATER-FOR-ALL CREDIT IS DETERMINED BY THE FORMULA

4
$$C = B - I \times A$$

5 WHERE

6 C = THE WATER-FOR-ALL CREDIT.

7 B = EITHER:

8 (i) THE RECIPIENT'S ESTIMATED ANNUAL WATER AND WASTEWATER BILL,
9 INCLUSIVE OF VOLUMETRIC USAGE CHARGES, THE ACCOUNT
10 MANAGEMENT FEE, AND INFRASTRUCTURE CHARGES, BASED ON THE
11 RECIPIENT'S HISTORICAL AVERAGE ANNUAL WATER USAGE AND THE
12 PROJECTED RATE SCHEDULE FOR THE YEAR; OR

13 (ii) IF WATER AND WASTEWATER UTILITY SERVICE IS MASTER-METERED
14 AND THE OWNER BILLS THE COST OF SERVICE TO A TENANT-WATER-
15 UTILITY-CUSTOMER ON AN ALLOCATED BASIS, THE RECIPIENT'S
16 ESTIMATED ANNUAL WATER AND WASTEWATER BILL, BASED ON
17 EVIDENCE OF PRIOR BILLINGS OCCURRING DURING THE TENANT
18 RECIPIENT'S CURRENT LEASE OR RENTAL-AGREEMENT TERM AND
19 EXCLUSIVE OF THE OWNER'S ADMINISTRATIVE CHARGES RELATED TO
20 THE ALLOCATION.

21 I = THE RECIPIENT'S ESTIMATED ANNUAL HOUSEHOLD INCOME.

22 A = AFFORDABILITY THRESHOLD, AS FOLLOWS:

23 (i) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS 50% OR LESS THAN
24 THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME GUIDELINES,
25 A EQUALS 1%;

26 (ii) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS GREATER THAN
27 50% BUT LESS THAN 100% OF THE FEDERAL GOVERNMENT'S OFFICIAL
28 POVERTY INCOME GUIDELINES, A EQUALS 2%; AND

29 (iii) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS GREATER THAN
30 100% OF THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME
31 GUIDELINES, A EQUALS 3%.

32 (2) NEGATIVE C.

33 FOR ALL NEGATIVE VALUES OF C, THE WATER-FOR-ALL CREDIT IS ZERO DOLLARS.

Council Bill 18-0307

1 (3) *PRORATION.*

2 THE 1ST ANNUAL WATER-FOR-ALL CREDIT SHALL BE PRORATED, ACCOUNTING FROM
3 THE DATE OF THE RECIPIENT'S ENROLLMENT IN THE PROGRAM.

4 (C) *CALCULATING INCOME.*

5 IN CALCULATING ANNUAL HOUSEHOLD INCOME FOR BOTH ELIGIBILITY AND AMOUNT OF
6 THE WATER-FOR-ALL CREDIT, THE DIRECTOR SHALL USE THE SAME COUNTABLE AND
7 NON-COUNTABLE INCOME SPECIFIED, IN COMAR 07.03.22.04, AS AMENDED FROM TIME
8 TO TIME, BY THE MARYLAND DEPARTMENT OF HUMAN RESOURCES FOR ITS "ELECTRIC
9 UNIVERSAL SERVICE PROGRAM".

10 § 2-9. WATER-FOR-ALL PROGRAM – DISTRIBUTION OF CREDIT.

11 (A) *IN GENERAL.*

12 THE WATER-FOR-ALL CREDIT SHALL BE APPLIED TO THE WATER OR WASTEWATER BILL OR
13 SENT TO EACH RECIPIENT BY CHECK, AS FOLLOWS:

14 (1) DISTRIBUTION OF THE CREDIT SHALL BEGIN AS SOON AS PRACTICABLE AFTER THE
15 ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER APPLIES FOR THE
16 PROGRAM. BUT IN NO CASE MAY IT BE LATER THAN 90 DAYS AFTER THE
17 DEPARTMENT'S RECEIPT OF A COMPLETED APPLICATION THAT DEMONSTRATES A
18 CUSTOMER'S ELIGIBILITY FOR THE PROGRAM.

19 (2) THE CREDIT FOR A TENANT-WATER-UTILITY CUSTOMER WHOSE WATER AND
20 WASTEWATER UTILITY SERVICE IS MASTER-METERED AND BILLED TO THE
21 CUSTOMER BY THE OWNER ON AN ALLOCATED BASIS SHALL BE DISBURSED BY
22 CHECK PAYABLE TO THE TENANT-WATER-UTILITY CUSTOMER.

23 (3) CUSTOMERS MAY ELECT TO RECEIVE CREDITS DISBURSED ON A MONTHLY BASIS IN
24 AN AMOUNT EQUAL TO ONE-TWELFTH OF THE ANNUAL CREDIT.

25 (4) THE CREDIT SHALL BE APPLIED TO EACH SUBSEQUENT BILL UNTIL THE FULL
26 AMOUNT OF THE CREDIT IS EXHAUSTED.

27 (5) AT THE END OF EACH CALENDAR YEAR, FOR CUSTOMERS ELIGIBLE FOR THE
28 WATER-FOR-ALL DISCOUNT PROGRAM FOR THE FOLLOWING YEAR, THE DIRECTOR
29 SHALL APPLY ANY UNUSED CREDIT TO THE RECIPIENT'S BILLS FOR THE FOLLOWING
30 YEAR.

31 (B) *IN CASE OF SERVICE TERMINATION.*

32 WHEN A RECIPIENT TERMINATES SERVICE, THE UNUSED CREDIT SHALL BE DISPERSED
33 ACCORDING THE FOLLOWING PRIORITIES:

34 (1) WITHIN 45 DAYS OF TERMINATION, THE DIRECTOR SHALL APPLY ANY UNUSED
35 BALANCE TO THE RECIPIENT'S ACCOUNT BEFORE ANY OTHER CREDITS OR DEPOSITS

Council Bill 18-0307

1 ARE APPLIED WHEN DETERMINING THE ACCOUNT BALANCE DUE TO OR FROM THE
2 CUSTOMER.

3 (2) WHEN A RECIPIENT CHANGES HIS OR HER PRINCIPAL RESIDENCE TO A DIFFERENT
4 UNIT THAT IS PROVIDED WATER AND WASTEWATER SERVICES BY THE
5 DEPARTMENT, ANY UNUSED CREDIT SHALL BE TRANSFERRED TO THE RECIPIENT'S
6 NEW ACCOUNT.

7 (3) ON THE DEATH OF A RECIPIENT, THE UNUSED CREDIT SHALL BE TRANSFERRED TO A
8 NEW ACCOUNT OF A SURVIVING MEMBER OF THE DECEDENT'S HOUSEHOLD WHO IS
9 AN ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER IN HIS OR HER
10 OWN RIGHT.

11 (4) WITHIN 60 DAYS OF TERMINATION, THE DPW DIRECTOR SHALL RETURN TO THE
12 FINANCE DIRECTOR ANY UNUSED CREDIT THAT CANNOT BE TRANSFERRED AS
13 STATED IN THIS SUBSECTION.

14 **§ 2-10. WATER-FOR-ALL PROGRAM – PROGRAM DENIALS.**

15 IF THE DIRECTOR DETERMINES ANY APPLICANT TO BE INELIGIBLE FOR THE WATER-FOR-ALL
16 CREDIT, THE DIRECTOR SHALL NOTIFY THE APPLICANT OF THIS DETERMINATION AND OF THE
17 APPLICANT'S RIGHT TO APPEAL UNDER § 2-21 {"OFFICE ... – APPEALS"} OF THIS SUBTITLE.

18 **§ 2-11. WATER-FOR-ALL PROGRAM – MIDYEAR INELIGIBILITY FOR CREDIT.**

19 (A) *MIDYEAR INELIGIBILITY DESCRIBED.*

20 THE WATER-FOR-ALL CREDIT IS CONFERRED BASED ON ANNUAL HOUSEHOLD INCOME FOR
21 THE CURRENT CALENDAR YEAR, AS ESTIMATED AT THE TIME OF APPLICATION. IF THE
22 RECIPIENT'S ACTUAL ANNUAL HOUSEHOLD INCOME FOR THE CURRENT CALENDAR YEAR
23 EXCEEDS THE ELIGIBILITY CRITERIA, THAT RECIPIENT WILL BECOME INELIGIBLE FOR THE
24 REMAINDER OF THE CALENDAR YEAR.

25 (B) *RECIPIENT TO NOTIFY DIRECTOR OF INCREASED INCOME.*

26 RECIPIENTS ARE REQUIRED TO NOTIFY THE DIRECTOR IMMEDIATELY IF THEIR ANNUAL
27 HOUSEHOLD INCOME EXCEEDS THE ELIGIBILITY CRITERIA.

28 (C) *DEPARTMENT TO RECOVER CREDITS DISTRIBUTED WHILE INELIGIBLE.*

29 THE DEPARTMENT SHALL TAKE NECESSARY ACTION TO RECOVER, WHEN APPROPRIATE,
30 THE FULL AMOUNT OF WATER-FOR-ALL CREDITS DISTRIBUTED TO BENEFICIARIES FOR
31 ANY PERIOD OF INELIGIBILITY.

32 **§ 2-12. WATER-FOR-ALL PROGRAM – ENROLLMENT CONFIRMATION.**

33 ON A CUSTOMER'S ENROLLMENT INTO THE WATER-FOR-ALL DISCOUNT PROGRAM, THE
34 DEPARTMENT SHALL PROVIDE THE CUSTOMER WITH A WRITTEN STATEMENT THAT SETS
35 FORTH:

Council Bill 18-0307

- 1 (1) THE ESTIMATED ANNUAL AND MONTHLY BILL WITHOUT THE WATER-FOR-ALL CREDIT;
- 2 (2) THE AMOUNT OF THE WATER-FOR-ALL CREDIT;
- 3 (3) THE ESTIMATED ANNUAL AND MONTHLY BILL WITH THE WATER-FOR-ALL CREDIT TO
4 BE APPLIED;
- 5 (4) THE MONTHLY BILL DUE DATE;
- 6 (5) THE AMOUNT OF PRE-WATER-FOR-ALL CREDIT ARREARS THAT WERE ACCRUED PRIOR
7 TO ENROLLMENT;
- 8 (6) THE REQUIREMENT THAT THE CUSTOMER PAY BILLS ISSUED;
- 9 (7) A BRIEF EXPLANATION OF THE CONSEQUENCES OF NONPAYMENT;
- 10 (8) A BRIEF EXPLANATION OF THE ELIMINATION OF PRE-ENROLLMENT ARREARS ON TIMELY
11 PAYMENTS, AS PROVIDED IN § 2-13 {"WATER-FOR-ALL ... – PROGRAM ARREARS"} OF
12 THIS SUBTITLE;
- 13 (9) A BRIEF EXPLANATION OF THE DUTY TO REMAIN ELIGIBLE OR TO NOTIFY THE
14 DEPARTMENT IMMEDIATELY IF THE COSTUMER BECOMES INELIGIBLE; AND
- 15 (10) A BRIEF EXPLANATION OF THE ANNUAL RECERTIFICATION REQUIREMENT FOR
16 CONTINUED PARTICIPATION.

17 **§ 2-13. WATER-FOR-ALL PROGRAM – PROGRAM ARREARS.**

18 (A) *ON-TIME PAYMENTS.*

19 EACH ON-TIME PAYMENT BY A WATER-FOR-ALL DISCOUNT PROGRAM RECIPIENT SHALL
20 BE CREDITED TOWARDS THE RECIPIENT'S PRE-ENROLLMENT ARREARS IN THE AMOUNT OF
21 THE PAYMENT UNTIL ALL ARREARS ARE SATISFIED.

22 (B) *EXCESS PAYMENTS.*

23 ANY AMOUNT PAID FOR A BILL IN EXCESS OF THE RECIPIENT'S CURRENT WATER
24 LIABILITIES REDUCES THE BALANCE OF HIS OR HER PRE-ENROLLMENT ARREARS AND
25 REDUCES THE AMOUNT OF ON-TIME PAYMENTS THAT THE RECIPIENT WILL HAVE TO MAKE
26 TO SATISFY THOSE ARREARS

27 (C) *TIMELY PAYMENTS IN FULL - EFFECT OF MAKING.*

28 ONCE A RECIPIENT IS ENROLLED IN THE WATER-FOR-ALL DISCOUNT PROGRAM, TIMELY
29 PAYMENT IN FULL OF EACH BILL SATISFIES ALL OF A RECIPIENT'S CURRENT WATER
30 LIABILITIES, SO THAT THERE IS NO ADDITION TO ARREARS AFTER ENROLLMENT.

Council Bill 18-0307

1 (D) *TIMELY PAYMENTS IN FULL - EFFECT OF FAILURE TO MAKE.*

2 A FAILURE TO MAKE TIMELY PAYMENTS IN FULL WILL ADD TO PRE-ENROLLMENT
3 ARREARS, SUBJECTING THEM TO POTENTIAL WATER CUT-OFF PURSUANT TO § 4-3 {"CUT-
4 OFF FOR NONPAYMENT"} OF THIS ARTICLE AND EXTENDING THE NUMBER OF ON-TIME
5 PAYMENTS THAT THE RECIPIENT WILL HAVE TO MAKE TO ELIMINATE ALL
6 PRE-ENROLLMENT ARREARS.

7 (E) *SERVICE RESTORATION AFTER CUT-OFF FOR NON-PAYMENT.*

8 IN THE EVENT THAT A RECIPIENT'S SERVICE IS TERMINATED FOR NON-PAYMENT OF BILLS
9 AFTER ENROLLMENT IN THE WATER-FOR-ALL DISCOUNT PROGRAM, THE RECIPIENT IS
10 ENTITLED TO IMMEDIATE RESTORATION OF SERVICE ON:

11 (i) THE RECIPIENT'S PAYMENT OF THOSE UNPAID BILLS; OR

12 (ii) THE RECIPIENT'S ENTRY INTO AN INSTALLMENT PAYMENT AGREEMENT WITH THE
13 DEPARTMENT FOR PAYMENT OF THOSE UNPAID BILLS.

14 (F) *NOTICE OF PROGRAM AND AVAILABLE INSTALLMENT PAYMENT AGREEMENT.*

15 THE DEPARTMENT SHALL NOTIFY ALL CUSTOMERS IN ARREARS OF THE AVAILABILITY OF
16 THE WATER-FOR-ALL PROGRAM AND OF THEIR ABILITY TO ENTER INTO AN INSTALLMENT
17 PAYMENT AGREEMENT PROGRAM PURSUANT TO § 4-5 {"INSTALLMENT PAYMENT
18 AGREEMENT"} OF THIS ARTICLE.

19 § 2-14. WATER-FOR-ALL PROGRAM – ANNUAL RECERTIFICATION OF ELIGIBILITY.

20 (A) *IN GENERAL.*

21 NO LESS THAN 60 CALENDAR DAYS BEFORE THE END OF EACH CALENDAR YEAR, THE
22 DIRECTOR SHALL:

23 (1) NOTIFY ALL RECIPIENTS OF THEIR OBLIGATION TO RECERTIFY THEIR ELIGIBILITY
24 FOR THE PROGRAM; AND

25 (2) ALLOW EACH RECERTIFIED RECIPIENT TO RE-ENROLL IN PERSON, ONLINE, OR IN THE
26 MAIL.

27 (B) *EFFECT OF RECERTIFICATION.*

28 A RECIPIENT'S RECERTIFICATION OF ELIGIBILITY HAS THE SAME EFFECT AS IF THE
29 CUSTOMER HAD REAPPLIED.

30 (C) *EFFECT OF FAILURE TO RECERTIFY.*

31 A RECIPIENT'S FAILURE TO RECERTIFY ELIGIBILITY WITHIN 90 DAYS AFTER THE
32 NOTIFICATION RENDERS THE RECIPIENT INELIGIBLE TO CONTINUE IN THE PROGRAM,
33 SUBJECT TO REAPPLICATION.

Council Bill 18-0307

1 § 2-15. WATER-FOR-ALL PROGRAM – PROGRAM DISPUTES.

2 ANY APPLICANT OR RECIPIENT AGGRIEVED BY A DETERMINATION OF THE DEPARTMENT
3 UNDER THIS PROGRAM MAY APPEAL THAT DETERMINATION TO THE OFFICE, AS PROVIDED
4 IN § 2-21 {“OFFICE ... – APPEALS”} OF THIS SUBTITLE.

5 § 2-16. {RESERVED}

6 § 2-17. OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS – OFFICE ESTABLISHED;
7 NATURE, PURPOSES, PRIMARY FUNCTIONS.

8 (A) OFFICE ESTABLISHED.

9 THERE IS AN OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS.

10 (B) NATURE AND PURPOSES OF OFFICE.

11 (1) THE OFFICE IS A NEUTRAL INTERMEDIARY CREATED TO PROMOTE FAIRNESS TO
12 CUSTOMERS DEALING WITH WATER AND WASTEWATER BILLING DISPUTES.

13 (2) THE PURPOSES OF THE OFFICE ARE:

14 (I) TO PROVIDE A PROBLEM-SOLVING RESOLUTION PROCESS FOR DISPUTES
15 BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS ABOUT
16 WATER-FOR-ALL DISCOUNT PROGRAM DETERMINATIONS AND WATER AND
17 WASTEWATER BILLINGS; AND

18 (II) TO PROVIDE GUIDANCE ON BROADER RULES, REGULATIONS, POLICIES, AND
19 PROCEDURES OF THE DEPARTMENT THAT RELATE TO CUSTOMER ISSUES WITH
20 WATER AND WASTEWATER BILLINGS.

21 (3) THE OFFICE:

22 (I) SHALL OPERATE INDEPENDENTLY AND OUTSIDE THE CONTROL OF THE
23 DEPARTMENT OF PUBLIC WORKS; BUT

24 (II) IS ENTITLED TO THE FULL COOPERATION AND COLLABORATION OF THE
25 DEPARTMENT OF PUBLIC WORKS’ STAFF AND CONTRACTORS, INCLUDING
26 ACCESS TO ALL CUSTOMER RECORDS AND THE ABILITY TO CONFER WITH
27 DEPARTMENT LEADERSHIP, STAFF, AND CONTRACTORS.

28 (C) PRIMARY FUNCTIONS.

29 THE OFFICE SERVES THE FOLLOWING THREE PRIMARY FUNCTIONS:

30 (1) SERVING AS A CUSTOMER ADVOCATE, BY CONDUCTING PROBLEM-SOLVING
31 INVESTIGATIONS AND IMPLEMENTING SOLUTIONS, INCLUDING:

32 (I) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO BILLING DISPUTES
33 BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS, EVEN IF

Council Bill 18-0307

1 THE CUSTOMER HAS NOT YET EXHAUSTED OPTIONS FOR DISPUTE
2 RESOLUTION OFFERED BY THE DEPARTMENT;

3 (II) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO DISPUTES BETWEEN
4 CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS OVER WATER-FOR-
5 ALL DISCOUNT PROGRAM DETERMINATIONS OR OTHER DEPARTMENT
6 ACTIONS OR DECISIONS RELATED TO WATER AND WASTEWATER BILLING,
7 SERVICE CUT-OFFS, OR LACK OF NOTICE OF BILLING-RELATED ISSUES;

8 (III) CONNECTING CUSTOMERS TO COMPLEMENTARY SOCIAL SERVICES;

9 (IV) INVESTIGATING AND IMPROVING COMMUNICATIONS BETWEEN CUSTOMERS
10 AND THE DEPARTMENT OF PUBLIC WORKS, BY INVESTIGATING WHETHER
11 NOTICES SHOULD BE IN OTHER LANGUAGES, ENSURING THAT CUSTOMERS
12 RECEIVE TIMELY AND COMPLETE NOTICE OF PAYMENTS DUE, AND
13 ENSURING THAT CUSTOMERS RECEIVE TIMELY AND COMPLETE NOTICE OF
14 OPTIONS FOR REDUCING PAYMENTS UNDER ALL EXISTING PROGRAMS; AND

15 (V) ADJUSTING CUSTOMER BILLS WHEN WARRANTED;

16 (2) CONDUCTING APPEALS HEARINGS ON REQUEST OF AGGRIEVED CUSTOMERS AFTER A
17 PROBLEM-SOLVING DETERMINATION HAS BEEN MADE; AND

18 (3) REPORTING AT LEAST SEMI-ANNUALLY TO THE COMMITTEE FOR OFFICE
19 OVERSIGHT ESTABLISHED UNDER § 2-24 {"OFFICE ... - COMMITTEE FOR OFFICE
20 OVERSIGHT"} OF THIS SUBTITLE, ON:

21 (I) OFFICE OPERATIONS AND ACTIVITIES, INCLUDING:

22 (A) DATA ON THE OFFICE'S CUSTOMER-ADVOCACY INVESTIGATION
23 AND PROBLEM-SOLVING EFFORTS AND ITS APPEALS FUNCTION; AND

24 (B) EXAMPLES OF COMMON CUSTOMER COMPLAINTS, THE METHODS BY
25 WHICH THE DEPARTMENT OF PUBLIC WORKS ADDRESSES THOSE
26 COMPLAINTS, AN ASSESSMENT OF THOSE METHODS, AND
27 RECOMMENDATIONS FOR ALTERNATIVE APPROACHES; AND

28 (II) RECOMMENDATIONS THAT THE OFFICE HAS FOR:

29 (A) CHANGES TO THE DEPARTMENT'S RULES, REGULATIONS, POLICIES,
30 OR PROCEDURES THAT WILL PROMOTE FAIRNESS TO CUSTOMERS
31 AND RESOLVE CUSTOMER CONCERNS;

32 (B) TASK FORCES AND ADDITIONAL OFFICE STAFF; AND

33 (C) ANY OTHER OPTIONS FOR PROMOTING FAIRNESS TO CUSTOMERS
34 AND RESOLVING CUSTOMER CONCERNS.

Council Bill 18-0307

1 § 2-18. OFFICE OF CUSTOMER ADVOCACY . . . – ADMINISTRATION.

2 (A) OFFICE ADMINISTRATOR.

3 THE HEAD OF THE OFFICE, WHO SHALL SUPERVISE AND DIRECT THE OFFICE'S PERSONNEL
4 AND OPERATIONS, IS THE OFFICE ADMINISTRATOR, TO BE APPOINTED BY THE MAYOR IN
5 ACCORDANCE CITY CHARTER ARTICLE IV, § 6.

6 (B) OFFICE STAFF.

7 THE OFFICE ADMINISTRATOR MAY APPOINT THE OFFICE'S CUSTOMER ADVOCATES,
8 APPEALS OFFICERS, AND SUPPORTING STAFF, AS PROVIDED IN THE ORDINANCE OF
9 ESTIMATES.

10 (C) QUALIFICATIONS OF OFFICE OFFICIALS.

11 THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, AND APPEALS OFFICERS MUST:

12 (1) BE IMPARTIAL;

13 (2) BE KNOWLEDGEABLE ABOUT WATER AND WASTEWATER SERVICES, WATER USAGE,
14 BILLING PRACTICES, AND BILLING PROCEDURES; AND

15 (3) HAVE SUBSTANTIAL EXPERIENCE IN DISPUTE RESOLUTION, CONSUMER
16 PROTECTION, AND THE DELIVERY OF PUBLIC SERVICES.

17 (D) SALARY; BENEFITS.

18 (1) THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, APPEALS OFFICERS, AND
19 SUPPORTING STAFF ARE ENTITLED TO COMPENSATION AS PROVIDED IN THE
20 ORDINANCE OF ESTIMATES.

21 (2) THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, APPEALS OFFICERS, AND
22 SUPPORTING STAFF ARE ENTITLED TO PARTICIPATE IN ANY CITY-SPONSORED BENEFITS
23 PROGRAM TO THE SAME EXTENT AND UNDER THE SAME TERMS AS OTHER CITY
24 OFFICERS AND EMPLOYEES.

25 § 2-19. OFFICE OF CUSTOMER ADVOCACY . . . – REQUEST FOR ASSISTANCE.

26 A CUSTOMER MAY SEEK OFFICE ASSISTANCE BY SUBMITTING A WRITTEN OR ORAL REQUEST TO
27 THE DEPARTMENT OR TO THE OFFICE WITHIN 90 CALENDAR DAYS OF ANY DISPUTED WATER-
28 FOR-ALL DISCOUNT PROGRAM DETERMINATION OR OTHER DEPARTMENT ACTION OR DECISION
29 RELATED TO WATER AND WASTEWATER BILLING, SERVICE CUT-OFFS, OR LACK OF NOTICE OF
30 BILLING-RELATED ISSUES.

Council Bill 18-0307

1 **§ 2-20. OFFICE OF CUSTOMER ADVOCACY . . . – CUSTOMER-ADVOCACY SERVICES.**

2 **(A) REFERRAL TO CUSTOMER-ADVOCACY SERVICES.**

3 WHENEVER A CUSTOMER ASKS THE DEPARTMENT FOR ASSISTANCE UNDER § 2-19
4 {"OFFICE ... - REQUEST FOR ASSISTANCE"}, THE DEPARTMENT SHALL IMMEDIATELY:

5 (1) NOTIFY THE CUSTOMER OF THE CUSTOMER'S RIGHT TO ACCESS THE OFFICE'S
6 CUSTOMER-ADVOCACY PROBLEM-SOLVING SERVICES; AND

7 (2) FORWARD THE CUSTOMER'S REQUEST FOR ASSISTANCE TO THE OFFICE.

8 **(B) INVESTIGATION BY CUSTOMER ADVOCATE.**

9 (1) IN ORDER TO RESOLVE A BILLING OR OTHER DISPUTE, A CUSTOMER ADVOCATE MAY:

10 (I) INVESTIGATE THE COMPUTATION OF WATER CHARGES FOR ACCURACY;

11 (II) INVESTIGATE METER READING FOR POSSIBLE MISCALCULATIONS OR
12 MALFUNCTION;

13 (III) INVESTIGATE WHETHER THE AMOUNT BILLED IS ERRONEOUS BASED ON
14 HOUSEHOLD SIZE, BILLING CYCLE, AMOUNT OF REPORTED USAGE, OR OTHER
15 RELEVANT FACTORS;

16 (IV) CONSIDER WHETHER REPORTED METER READINGS ARE SO UNREASONABLY
17 HIGH AS TO BE PRIMA FACIE EVIDENCE THAT THE METER IS INCORRECT;

18 (V) FACILITATE A SEARCH FOR LEAKS ON THE CUSTOMER'S PREMISES AND NEARBY
19 CITY PROPERTY; AND

20 (VI) MAKE A REASONABLE INVESTIGATION OF ANY MATERIAL FACTS AND CLAIMS
21 ASSERTED BY THE CUSTOMER AS TO THE CAUSE OF THE ERRONEOUS BILL OR
22 DEPARTMENT DECISION.

23 (2) BOTH THE CUSTOMER AND THE DEPARTMENT OF PUBLIC WORKS SHALL COMPLY WITH
24 A CUSTOMER ADVOCATE'S REQUESTS FOR INFORMATION AND SCHEDULING. ON
25 REQUEST OF THE OFFICE, STAFF AND CONTRACTORS OF THE DEPARTMENT SHALL
26 PERFORM TESTS AND OTHERWISE USE THEIR EXPERTISE TO ASSIST IN INVESTIGATION
27 AND PROBLEM-SOLVING FUNCTIONS.

28 **(C) EXAMPLES OF POTENTIAL RELIEF AVAILABLE.**

29 **(1) IN GENERAL.**

30 A CUSTOMER ADVOCATE MAY GRANT APPROPRIATE EQUITABLE RELIEF TO A
31 CUSTOMER, INCLUDING:

Council Bill 18-0307

1 (I) THE REFUND OF A PAYMENT MADE FOR WATER AND WASTEWATER USAGE
2 CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY
3 CHARGEABLE;

4 (II) THE REDUCTION OF AS-YET UNPAID WATER AND WASTEWATER USAGE
5 CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY
6 CHARGEABLE; OR

7 (III) THE REVERSAL OF A DEPARTMENT DECISION.

8 (2) *LIMITATION.*

9 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A CUSTOMER
10 ADVOCATE MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL-
11 OR TENANT-WATER-UTILITY CUSTOMER.

12 (D) *ADVOCATE'S REPORT.*

13 (1) *IN GENERAL.*

14 AFTER COMPLETION OF AN INVESTIGATION, THE CUSTOMER ADVOCATE SHALL:

15 (I) ISSUE A WRITTEN REPORT CONTAINING A DESCRIPTION OF THE INVESTIGATION
16 AND A STATEMENT OF:

17 (A) THE LAW AND FACTS;

18 (B) THE RESULTS OF THE INVESTIGATION;

19 (C) ANY RELIEF GRANTED OR DENIED; AND

20 (D) AN EXPLANATION FOR THAT DETERMINATION;

21 (II) MAIL A COPY OF THE REPORT TO THE DEPARTMENT AND TO THE CUSTOMER AT
22 THE CUSTOMER'S LAST-KNOWN ADDRESS; AND

23 (III) KEEP ALL RECORDS OF THE INVESTIGATION AND THE REPORT.

24 (2) *BILL ADJUSTMENT.*

25 IF THE REPORT CONCLUDES THAT THE CUSTOMER'S BILL NEEDS TO BE ADJUSTED, THE
26 DEPARTMENT SHALL PROMPTLY ISSUE AN AMENDED BILL TO THE CUSTOMER.

27 (3) *NOTICE OF RIGHT TO APPEAL.*

28 (I) THE REPORT SHALL NOTIFY THE CUSTOMER OF HIS OR HER RIGHT TO APPEAL THE
29 RESULTS OF THE INVESTIGATIVE REPORT.

Council Bill 18-0307

1 (II) THE NOTICE SHALL CONTAIN:

2 (A) THE DEADLINES FOR AND METHODS OF FILING THE APPEAL; AND

3 (B) THE PROCEDURES BY WHICH THE APPEAL WILL BE HEARD.

4 **§ 2-21. OFFICE OF CUSTOMER ADVOCACY . . . – APPEALS.**

5 (A) *CUSTOMER'S RIGHT TO APPEAL.*

6 (1) A CUSTOMER IS ENTITLED TO FILE AN APPEAL WITH THE OFFICE WITHIN 30 CALENDAR
7 DAYS OF RECEIPT OF A CUSTOMER ADVOCATE'S INVESTIGATIVE REPORT.

8 (2) THE APPEAL MUST BE FILED:

9 (I) IN-PERSON, AT AN ADDRESS DESIGNATED BY THE DEPARTMENT;

10 (II) ELECTRONICALLY, IN A FORMAT APPROVED BY THE DEPARTMENT; OR

11 (III) BY FIRST-CLASS MAIL, POSTMARKED WITHIN 30 CALENDAR DAYS OF RECEIPT
12 OF THE REPORT.

13 (B) *OFFICE TO PROMPTLY SCHEDULE HEARING.*

14 (1) WITHIN 30 DAYS OF THE FILING OF AN APPEAL, THE OFFICE SHALL:

15 (I) PROMPTLY SCHEDULE AN IN-PERSON HEARING WITH AN APPEALS OFFICER; AND

16 (II) NOTIFY THE DEPARTMENT, THE CUSTOMER, AND THE CUSTOMER ADVOCATE
17 OF THE DATE, TIME, AND LOCATION OF THE HEARING.

18 (2) THE CUSTOMER MUST BE GIVEN AT LEAST 15 CALENDAR DAYS NOTICE OF THE
19 HEARING'S DATE, TIME, AND LOCATION.

20 (C) *CUSTOMER'S PREROGATIVES.*

21 AT THE HEARING, THE CUSTOMER IS ENTITLED TO:

22 (1) REPRESENT HIM- OR HERSELF OR BE REPRESENTED BY AN ATTORNEY;

23 (2) PRESENT HIS OR HER CASE WITH EVIDENCE;

24 (3) SUBMIT EVIDENCE IN REBUTTAL; AND

25 (4) CONDUCT CROSS-EXAMINATION.

26 (D) *CUSTOMER ADVOCATE TO APPEAR AT HEARING.*

27 AT THE HEARING, THE CUSTOMER ADVOCATE SHALL APPEAR AND MAY BE QUESTIONED
28 BY THE CUSTOMER, THE DEPARTMENT, AND THE APPEALS OFFICER.

Council Bill 18-0307

1 (E) *CONDUCT OF HEARING.*

2 (1) TO FACILITATE THE RESOLUTION OF AN APPEAL, THE APPEALS OFFICER MAY:

3 (i) ADMINISTER OATHS AND AFFIRMATIONS;

4 (ii) EXAMINE WITNESSES AND TAKE TESTIMONY;

5 (iii) ISSUE SUMMONSES AND SUBPOENAS, ESPECIALLY THOSE REQUESTED BY THE
6 CUSTOMER OR THE DEPARTMENT AND RECEIVED BY THE APPEALS OFFICER AT
7 LEAST 7 DAYS BEFORE THE HEARING;

8 (iv) REQUEST INVESTIGATIVE REPORTS PREPARED BY THE CUSTOMER ADVOCATE
9 AND ANY RELEVANT DEPARTMENT RECORDS OR INFORMATION;

10 (v) REGULATE THE COURSE AND CONDUCT OF HEARINGS, WHICH SHALL BE
11 CONDUCTED:

12 (A) INFORMALLY, IN A MANNER TO ASCERTAIN THE SUBSTANTIAL RIGHTS
13 OF THE CUSTOMER AND THE DEPARTMENT; AND

14 (B) WITHOUT THE APPEALS OFFICER'S BEING BOUND BY COMMON LAW OR
15 STATUTORY RULES AS TO THE ADMISSIBILITY OF EVIDENCE OR BY
16 TECHNICAL RULES OF PROCEDURE;

17 (vi) CONSIDER WHETHER REPORTED METER READINGS ARE SO UNREASONABLY
18 HIGH AS TO BE PRIMA FACIE EVIDENCE THAT THE METER IS INCORRECT;

19 (vii) HOLD CONFERENCES, BEFORE OR DURING A HEARING;

20 (viii) RULE ON MOTIONS OR INFORMAL REQUESTS; AND

21 (ix) CONTINUE ANY HEARING AS DEEMED NECESSARY FOR THE EFFICIENT
22 DISPOSITION OF THE MATTER.

23 (F) *APPEALS OFFICER'S DECISION.*

24 (1) AFTER THE HEARING HAS CONCLUDED, THE APPEALS OFFICER SHALL ISSUE A WRITTEN
25 FINAL DECISION, INCLUDING A STATEMENT OF MATERIAL FACTS AND CONCLUSIONS OF
26 LAW.

27 (2) THE DECISION:

28 (i) SHALL BE BASED ON CONSIDERATION OF THE ENTIRE RECORD;

29 (ii) MAY INCLUDE THE FORMS OF RELIEF SPECIFIED IN § 2-20(C) {"OFFICE ... -
30 CUSTOMER-ADVOCACY SERVICES: EXAMPLES OF POTENTIAL RELIEF"} OF
31 THIS SUBTITLE; AND

Council Bill 18-0307

1 (III) MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL- OR
2 TENANT-WATER-UTILITY CUSTOMER.

3 (3) THE APPEALS OFFICER'S FINAL DECISION SHALL BE COMMUNICATED BY MAIL TO THE
4 CUSTOMER NO LATER THAN 30 DAYS AFTER THE HEARING, UNLESS THE CUSTOMER
5 AGREES IN WRITING TO A LONGER PERIOD.

6 (4) THE APPEALS OFFICER'S FINAL DECISION IS THE FINAL ADMINISTRATIVE DECISION OF
7 THE CITY.

8 (G) JUDICIAL AND APPELLATE REVIEW.

9 (1) *JUDICIAL REVIEW.*

10 A CUSTOMER OR OTHER PARTY AGGRIEVED BY A FINAL DECISION UNDER THIS SECTION
11 MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT
12 FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

13 (2) *APPELLATE REVIEW.*

14 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO
15 THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
16 PROCEDURE.

17 **§ 2-22. OFFICE OF CUSTOMER ADVOCACY . . . – NO INTERRUPTION OF SERVICE OR RIGHTS**
18 **PENDING REVIEWS, ETC.**

19 (A) *SERVICE CUT-OFF.*

20 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE DEPARTMENT MAY NOT
21 CUT OFF WATER OR WASTEWATER SERVICE BECAUSE OF A DELINQUENCY OR ARREARAGE
22 THAT IS THE SUBJECT OF A PENDING REQUEST, MADE IN GOOD FAITH, FOR OFFICE
23 INVESTIGATION, REVIEW, OR APPEAL, OR FOR JUDICIAL OR APPELLATE REVIEW OF A
24 BILLING DISPUTE.

25 (B) *STAY OF WRIT OR WARRANT ON JUDGMENT.*

26 IF A DELINQUENCY OR AN ARREARAGE SUBJECT TO A PENDING REQUEST, MADE IN GOOD
27 FAITH, FOR OFFICE INVESTIGATION, REVIEW, OR APPEAL, OR FOR JUDICIAL OR APPELLATE
28 REVIEW IS REDUCED TO JUDGMENT IN A CIVIL ACTION OR IN AN ACTION FOR POSSESSION,
29 THE DEPARTMENT OF PUBLIC WORKS SHALL REQUEST THAT THE SHERIFF'S OFFICE NOT
30 EXECUTE ANY WRIT OR WARRANT TO ENFORCE THE JUDGMENT UNTIL THE INVESTIGATION,
31 REVIEW, OR APPEAL IS EXHAUSTED.

32 **§ 2-23. OFFICE OF CUSTOMER ADVOCACY . . . – DISPUTED BILLS NOT CONSIDERED UNPAID.**

33 WATER AND WASTEWATER CHARGES THAT ARE THE SUBJECT OF A PENDING OFFICE
34 INVESTIGATION, REVIEW, OR APPEAL, OR PENDING JUDICIAL OR APPELLATE REVIEW,
35 REQUESTED BY THE CUSTOMER IN GOOD FAITH:

Council Bill 18-0307

- 1 (1) MAY NOT BE CONSIDERED UNPAID OR IN ARREARS;
2 (2) MAY NOT SERVE AS THE BASIS FOR A LIEN AGAINST THE PROPERTY; AND
3 (3) STAY ANY PROSPECTIVE OR PENDING TAX SALE UNDER STATE TAX-PROPERTY
4 ARTICLE § 14-849.1 AND § 14-811.

5 **§ 2-24. OFFICE OF CUSTOMER ADVOCACY . . . – COMMITTEE FOR OFFICE OVERSIGHT.**

6 (A) *COMMITTEE ESTABLISHED.*

7 THERE IS A COMMITTEE FOR OFFICE OVERSIGHT.

8 (B) *COMPOSITION.*

9 THE COMMITTEE COMPRISES THE FOLLOWING 7 MEMBERS:

- 10 (1) THE INSPECTOR GENERAL OR THE INSPECTOR GENERAL'S DESIGNEE;
11 (2) THE CITY AUDITOR OR THE CITY AUDITOR'S DESIGNEE;
12 (3) THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE;
13 (4) THE CITY COUNCIL PRESIDENT OR THE PRESIDENT'S DESIGNEE; AND
14 (5) 3 CITY COUNCILMEMBERS, APPOINTED BY THE CITY COUNCIL PRESIDENT.

15 (C) *OFFICERS.*

16 THE COMMITTEE:

- 17 (1) SHALL ELECT ONE OF ITS MEMBERS TO SERVE AS THE CHAIR OF THE COMMITTEE;
18 AND
19 (2) MAY ELECT FROM AMONG ITS MEMBERS ANY OTHER OFFICERS THAT THE
20 COMMITTEE CONSIDERS NECESSARY OR APPROPRIATE.

21 (D) *MEETINGS, QUORUM, ETC.*

- 22 (1) THE COMMITTEE SHALL MEET AT THE CALL OF THE CHAIR OR AT THE CALL OF A
23 MAJORITY OF COMMITTEE MEMBERS, AS FREQUENTLY AS REQUIRED TO PERFORM ITS
24 DUTIES.
25 (2) 4 MEMBERS OF THE COMMITTEE CONSTITUTE A QUORUM FOR THE TRANSACTION OF
26 BUSINESS.
27 (3) AN AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS IS NEEDED FOR ANY OFFICIAL ACTION.
28 (4) ALL MEETINGS OF THE COMMISSION MUST BE CONDUCTED IN ACCORDANCE WITH THE
29 STATE OPEN MEETINGS ACT (STATE GENERAL PROVISIONS ARTICLE, TITLE 3).

Council Bill 18-0307

1 (E) *OVERSIGHT DUTIES.*

2 THE COMMITTEE SHALL:

3 (1) REVIEW AND EVALUATE THE ACTIVITIES AND OPERATIONS OF THE OFFICE,
4 INCLUDING THE PERFORMANCE OF ITS CUSTOMER-ADVOCACY PROBLEM-SOLVING
5 SERVICES AND ITS APPEALS FUNCTION;

6 (2) PROVIDE ADVICE AND GUIDANCE TO THE OFFICE AND RECOMMEND NEW OR
7 MODIFIED POLICIES AND PROCEDURES THAT THE COMMITTEE CONSIDERS
8 NECESSARY OR APPROPRIATE FOR THE MORE EFFECTIVE OPERATION OF THE
9 OFFICE; AND

10 (3) TO THESE ENDS, HOLD AT LEAST 2 PUBLICLY ADVERTISED HEARINGS A YEAR AT
11 WHICH:

12 (I) THE OFFICE ADMINISTRATOR SHALL APPEAR AND REPORT ON:

13 (A) THE STATUS OF OFFICE ACTIVITIES AND OPERATIONS; AND

14 (B) THE OFFICE'S RECOMMENDATIONS FOR CHANGES NECESSARY OR
15 APPROPRIATE TO FURTHER PROMOTE FAIRNESS TO CUSTOMERS AND
16 RESOLVING CUSTOMER CONCERNS; AND

17 (II) THE PUBLIC MAY ATTEND AND TESTIFY ON THE EFFICACY OF THE OFFICE'S
18 ACTIVITIES AND OPERATIONS AND ANY NEED FOR FURTHER MODIFICATIONS
19 TO THESE ACTIVITIES AND OPERATIONS.

20 **SUBTITLE 4. COLLECTION OF CHARGES**

21 **§ 4-2. Metered water charges and fire supply service inspection charges.**

22 (a) *When due.*

23 Metered water charges and fire supply service inspection charges are due and payable
24 when the bills for them have been rendered.

25 (b) *When delinquent.*

26 [Any] EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ANY metered water charges and
27 fire supply service inspection charges unpaid 20 days after the issue date of the bill are
28 considered delinquent, and all water service are subject to turn-off for nonpayment of
29 those charges at any time.

30 (c) *Penalties.*

31 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:

Council Bill 18-0307

1 (I) [A] a penalty at the rate of 1.64% of the water charge and fire supply service
2 inspection charge shall be added to every metered water charge and fire supply
3 service inspection charge at the time they become delinquent[.];AND

4 (II) [(2) An] AN additional penalty of 1.64% shall be imposed on all charges,
5 including accrued penalties, which remain unpaid and are forwarded as
6 arrearages on subsequent bills.

7 (2) RECIPIENTS OF THE WATER-FOR-ALL DISCOUNT PROGRAM ARE NOT LIABLE FOR ANY
8 PENALTIES IMPOSED UNDER THIS SUBSECTION WHILE ENROLLED IN THE PROGRAM.

9 § 4-3. Cut-off for nonpayment.

10 (A) *IN GENERAL.*

11 SUBJECT TO SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, [The non-payment of any
12 delinquent water charge against a property] AN ACCOUNT BALANCE OF \$250 OR MORE AND
13 2 BILLING CYCLES PAST DUE is sufficient reason for SENDING A CUT-OFF NOTICE FOR
14 [terminating] all water service, even though other water charges against the property are
15 not in arrears.

16 (B) *TIMING.*

17 (1) PRIOR TO ANY CUT-OFF FOR DELINQUENCY OF PAYMENT, THE DIRECTOR OF PUBLIC
18 WORKS SHALL, AT LEAST 45 DAYS PRIOR TO THE EARLIEST DATE ON WHICH SERVICE
19 WILL BE CUT-OFF, PROVIDE NOTICE AS REQUIRED BY SUBSECTION (D) OF THIS SECTION.

20 (2) CUT-OFFS MAY BE PERFORMED:

21 (I) ONLY MONDAY THROUGH THURSDAY;

22 (II) ONLY WHEN NO HEAT OR COLD ADVISORY ISSUED BY THE CITY HEALTH
23 DEPARTMENT IS IN EFFECT; AND

24 (III) FOR RESIDENTIAL AND MULTI-UNIT LOCATIONS, ONLY FROM MARCH 1
25 THROUGH OCTOBER 31.

26 (3) THE DEPARTMENT MAY NOT CUT OFF WATER MORE THAN 90 CALENDAR DAYS AFTER
27 THE CUT-OFF NOTICE, UNLESS IT HAS ISSUED A NEW CUT-OFF NOTICE IN THE MANNER
28 REQUIRED BY SUBSECTION (D) OF THIS SECTION.

29 (C) *EXCEPTION FOR FIRE SERVICE.*

30 FIRE SERVICE MAY NOT BE CUT OFF FOR NONPAYMENT.

31 (D) *NOTICE.*

32 EACH NOTICE:

Council Bill 18-0307

1 (1) SHALL BE SERVED BOTH BY CERTIFIED MAIL AND BY POSTING ON THE FRONT
2 ENTRANCE TO THE CUSTOMER'S PREMISES; AND

3 (2) SHALL CLEARLY STATE:

4 (I) THE EARLIEST DATE ON WHICH SERVICE MAY BE CUT OFF;

5 (II) THE REASONS FOR THE CUT-OFF;

6 (III) THE ACTIONS THAT THE CUSTOMER MUST TAKE TO AVOID SERVICE
7 CUT-OFF, INCLUDING THE TOTAL AMOUNT REQUIRED TO BE PAID AND THE
8 DATE BY WHICH THAT PAYMENT MUST BE MADE;

9 (IV) THE ADDRESS AND TELEPHONE NUMBER OF A DEPARTMENT
10 REPRESENTATIVE THAT THE CUSTOMER MAY CONTACT IN REFERENCE TO
11 THE ACCOUNT;

12 (V) THE PROCEDURES SPECIFIED IN § 2-19 {"OFFICE ... - REQUEST FOR
13 ASSISTANCE"} AND § 2-21 {"OFFICE ... - APPEALS"} OF THIS ARTICLE TO
14 REQUEST OFFICE ASSISTANCE AND SUBSEQUENT APPEAL;

15 (VI) THE EXCEPTIONS SET FORTH IN SUBSECTIONS (C) AND (F) OF THIS SECTION;

16 (VII) THAT ANY PAYMENT MADE BY CHECK OR DRAFT THAT IS SUBSEQUENTLY
17 DISHONORED DOES NOT CONSTITUTE PAYMENT AND WILL ENTITLE THE
18 DEPARTMENT TO CUT OFF SERVICE WITHOUT FURTHER NOTICE;

19 (VIII) A DESCRIPTION OF THE ACTIONS THAT THE CUSTOMER MUST TAKE TO
20 ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT, AS SET FORTH IN
21 § 4-5 {"INSTALLMENT PAYMENT AGREEMENT"} OF THIS SUBTITLE; AND

22 (IX) A DESCRIPTION OF THE WATER-FOR-ALL DISCOUNT PROGRAM AND THE
23 ACTIONS THAT THE CUSTOMER MUST TAKE TO APPLY.

24 (E) *VERIFICATION.*

25 ON THE DAY THAT SERVICE WILL BE CUT-OFF, THE DIRECTOR SHALL VERIFY THAT THE
26 CUSTOMER HAS NOT TAKEN ANY ACTION AND IS NOT OTHERWISE QUALIFIED UNDER
27 SUBSECTIONS (C) AND (F) OF THIS SECTION TO AVOID SERVICE CUT-OFF.

28 (F) *NO CUT-OFF UNDER CERTAIN CONDITIONS.*

29 THE DEPARTMENT MAY NOT CUT OFF SERVICE IF, PRIOR TO THE TIME THAT CUT-OFF IS TO
30 TAKE PLACE:

31 (I) WITH RESPECT TO ANY CHARGES GIVING RISE TO THE CUT-OFF, THE CUSTOMER
32 REQUESTS, IN GOOD FAITH, OFFICE ASSISTANCE UNDER § 2-19 {"OFFICE ... -
33 REQUEST FOR ASSISTANCE"} OF THIS ARTICLE.

Council Bill 18-0307

- 1 (2) THE CUSTOMER PRODUCES A WRITTEN RECORD OF PAYMENT IN FULL OF ALL
2 DELINQUENT CHARGES THAT GAVE RISE TO THE CUT-OFF NOTICE;
- 3 (3) THE CUSTOMER PAYS THE FULL AMOUNT DEMANDED IN THE CUT-OFF NOTICE;
- 4 (4) THE CUSTOMER OFFERS TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT,
5 IN ACCORDANCE WITH § 4-5 {"INSTALLMENT PAYMENT AGREEMENT"} OF THIS
6 SUBTITLE AND, WITHIN 3 DAYS, EXECUTES THE AGREEMENT AND PAYS THE DOWN
7 PAYMENT OR INITIAL INSTALLMENT;
- 8 (5) THE CUSTOMER HAS SUBMITTED AN APPLICATION FOR THE WATER-FOR-ALL
9 DISCOUNT PROGRAM AND A DETERMINATION OF ELIGIBILITY IS PENDING;
- 10 (6) THE CUSTOMER INDICATES THAT THE CUSTOMER HAS A SIGNIFICANT MEDICAL
11 CONDITION, AS CERTIFIED IN WRITING BY A LICENSED MEDICAL DOCTOR, NURSE
12 PRACTITIONER, PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY DEPARTMENT OF
13 HEALTH, INDICATING THAT THE ABSENCE OF WATER SERVICE AT THE SUBJECT
14 RESIDENTIAL PREMISES WILL AGGRAVATE THE EXISTING SIGNIFICANT MEDICAL
15 CONDITION;
- 16 (7) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER IS
17 62 YEARS OLD OR OLDER, UNDER 18 YEARS OLD, OR HAS AN INFANT HUMAN
18 BEING NOT MORE THAN 6 MONTHS OLD IN RESIDENCE AT THE PREMISES;
- 19 (8) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER HAS
20 CENTRAL VISION ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH THE USE OF A
21 CORRECTING LENS, HAS AT LEAST ONE EYE WITH A LIMITATION IN THE FIELDS OF
22 VISION SUCH THAT WIDEST DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE
23 NO GREATER THAN 20 DEGREES, AS CERTIFIED IN WRITING BY A LICENSED MEDICAL
24 DOCTOR, NURSE PRACTITIONER, PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY
25 DEPARTMENT OF HEALTH;
- 26 (9) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER HAS
27 A PHYSICAL, MENTAL, OR MEDICAL IMPAIRMENT RESULTING FROM ANATOMICAL,
28 PHYSIOLOGICAL, OR NEUROLOGICAL CONDITIONS THAT PREVENTS THE EXERCISE
29 OF A NORMAL BODILY FUNCTION OR THAT RENDERS THE CUSTOMER UNABLE TO
30 MANAGE HIS OR HER OWN RESOURCES OR TO PROTECT HIMSELF OR HERSELF FROM
31 NEGLECT OR HAZARDOUS SITUATIONS WITHOUT THE ASSISTANCE OF OTHERS, AS
32 CERTIFIED IN WRITING BY A LICENSED MEDICAL DOCTOR, NURSE PRACTITIONER,
33 PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY DEPARTMENT OF HEALTH;
- 34 (10) THE PROPERTY WHERE SERVICE IS TO BE CUT OFF IS IN BANKRUPTCY
35 PROCEEDINGS; OR
- 36 (11) THE PROPERTY WHERE SERVICE IS TO BE CUT OFF IS IN TAX LIEN CERTIFICATE
37 SALE.

Council Bill 18-0307

1 **§ 4-5. [Payment schedule] INSTALLMENT PAYMENT AGREEMENT.**

2 (a) *OFFER; Effect of compliance.*

3 [If a person responsible for paying a water bill enters into a payment agreement
4 acceptable to the Director of Public Works, then while the person is making timely
5 payments in accord with the agreed schedule:

6 (1) the penalty imposed under § 4-2(c) {"Metered water charges: Penalties"} of this
7 subtitle does not accrue; and

8 (2) service that has been turned off may be restored.]

9 (1) THE DIRECTOR SHALL OFFER AN INSTALLMENT PAYMENT AGREEMENT TO EACH
10 CUSTOMER WHO HAS BEEN ISSUED A CUT-OFF NOTICE.

11 (2) EXECUTION OF AN INSTALLMENT PAYMENT AGREEMENT ACCEPTABLE TO THE
12 DIRECTOR WILL ENABLE THE CUSTOMER TO:

13 (I) AVOID SERVICE CUT-OFF;

14 (II) AVOID ACCRUAL OF THE PENALTIES IMPOSED UNDER § 4-2(C) {"METERED
15 WATER CHARGES: PENALTIES"} OF THIS SUBTITLE; AND

16 (III) ENABLE SERVICE THAT HAS BEEN TURNED OFF TO BE RESTORED, PROVIDED
17 THAT THE CUSTOMER REMAINS IN COMPLIANCE WITH THE AGREEMENT.

18 (b) *Effect of breach.*

19 If payment is missed and the payment agreement declared to be breached, THE
20 SUSPENDED PENALTIES SHALL BE REINSTATED AND all subsequent penalties shall continue
21 to accrue.

22 (c) *NOTICE.*

23 EACH OFFER OF AN INSTALLMENT PAYMENT AGREEMENT MUST:

24 (1) INFORM THE CUSTOMER OF THE AVAILABILITY OF AN AGREEMENT;

25 (2) STATE THE MINIMUM TERMS OF THE AGREEMENT THAT WOULD BE ACCEPTABLE TO
26 THE DIRECTOR;

27 (3) EXPLAIN ANY ALTERNATE TERMS THAT MAY BE AVAILABLE;

28 (4) STATE THE DATE BY WHICH THE CUSTOMER MUST CONTACT THE DEPARTMENT
29 AND EXECUTE AN AGREEMENT IN ORDER TO AVOID SERVICE CUT-OFF;

30 (5) INDICATE THE NAME AND TELEPHONE NUMBER OF A DEPARTMENT
31 REPRESENTATIVE THAT THE CUSTOMER MAY CALL TO DISCUSS AN AGREEMENT;
32 AND

Council Bill 18-0307

1 (6) STATE WHAT ACTION THE DEPARTMENT WILL TAKE IF AN INSTALLMENT PAYMENT
2 AGREEMENT IS NOT EXECUTED AND RETURNED BY ITS DUE DATE.

3 (D) *TERMS OF AGREEMENT.*

4 AN INSTALLMENT PAYMENT AGREEMENT SHALL SET FORTH:

5 (1) THE TOTAL AMOUNT AND DATES OF THE DELINQUENT CHARGES COVERED BY THE
6 AGREEMENT;

7 (2) THE TIME PERIOD OVER WHICH THE TOTAL AMOUNT SHALL BE PAID;

8 (3) THE NUMBER, DUE DATE, AND AMOUNT OF EACH PERIODIC PAYMENT DUE UNDER
9 THE AGREEMENT;

10 (4) THE AMOUNT OF THE REQUIRED DOWN PAYMENT OR INITIAL INSTALLMENT DUE ON
11 THE CUSTOMER'S EXECUTION OF THE AGREEMENT, WHICH MAY NOT EXCEED 25%
12 OF THE TOTAL AMOUNT COVERED BY THE AGREEMENT; AND

13 (5) THE INTEREST RATE TO BE CHARGED ON THE UNPAID BALANCE UNDER THE
14 AGREEMENT, WHICH SHALL BE EQUAL TO THE INTEREST RATE THEN BEING
15 CHARGED BY THE CITY FOR UNPAID REAL ESTATE TAXES ON A PROPERTY WHERE
16 THE ANNUAL REAL ESTATE TAXES ARE \$2,750 OR LESS.

17 (E) *NOTICE OF INSTALLMENT PAYMENTS DUE.*

18 THE DEPARTMENT SHALL MAIL TO THE CUSTOMER 30 DAYS' NOTICE OF EACH
19 INSTALLMENT PAYMENT DUE.

20 **Article 28. Taxes**

21 **Subtitle 8. Tax Sales**

22 **§ 8-1. Interest rate on redemptions from tax sales.**

23 Pursuant to the authorization contained in State Tax-Property Article §14-820(b)(3), the
24 interest rate applicable to redemptions of property from tax sales in Baltimore City is:

25 (1) [12%] 5% a year for any residential real property that, as of January 1 immediately
26 preceding the tax sale, was designated by the State Department of Assessments and
27 Taxation as the owner's principal residence in accordance with the criteria governing
28 the State Homestead Tax Credit; and

29 (2) 18% a year for all other property.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE, AND TEXTUAL SUFFICIENCY 11/27/18 DEPT LEGISLATIVE REFERENCE

Introduced by: President Young

A BILL ENTITLED

AN ORDINANCE concerning

Water Accountability and Equity Act

FOR the purpose of increasing the availability or affordability of basic water and wastewater service to low-income consumers and assuring a fair process for all consumers before the City exercises its authority to cut off water services, impose liens, or take similar action; establishing for these purposes a Water-for-All Discount Program, an Office of Water-Customer Advocacy and Appeals, and a Committee for Office Oversight; establishing the eligibility requirements for the Water-for-All Discount Program and its grant of an annual billing credit, and providing for the credit's administration, computation, distribution, and recertification requirements and for the effect of midyear ineligibility, program arrears, and related matters; excepting recipients in the Water-for-All Discount Program from certain penalties imposed on certain delinquent service charges; providing for the operational independence of the Office of Water-Customer Advocacy and Appeals as a neutral intermediary authorized to conduct problem-solving investigations of water and wastewater billing and related disputes and authorized, subject to certain limitations and the right to seek administrative and judicial appeals, to implement solutions to those disputes; specifying the personnel of the Office of Water-Customer Advocacy and Appeals who are required to file financial disclosure statements under the City Ethics Code; providing for the Committee for Office Oversight's composition, officers, meetings, and oversight duties; providing that the non-payment of water and wastewater charges subject to a pending request for Office investigation, review, or appeal, or for judicial or appellate review, may not serve as cause for a service cut-off, the imposition of a lien against property, or a property's inclusion in certain tax sales; requiring certain notices before, and imposing certain restrictions and limitations on, service cut-offs for delinquency of payments; requiring that persons who have been issued a cut-off notice be offered the opportunity to enter into an installment payment agreement, subject to certain terms and conditions; reducing the interest rate applicable to redemptions from tax sale of properties designated by the State Department of Assessments and Taxation as the owner's principal residence; defining various terms; clarifying and conforming related provisions; and providing for special effective dates.

By adding

Article 13 - Housing and Urban Renewal
Section 7-3(a-1)
Baltimore City Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

BY repealing and reordaining, with amendments

Article 24 - Water
Sections 1-11, 2-1, 2-3, 4-2, 4-3, and 4-5
Baltimore City Code
(Edition 2000)

BY adding

Article 24 - Water
Sections 2-4 through 2-24
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section 8-1
Baltimore City Code
(Edition 2000)

BY adding

Article 28 - Taxes
Section 8-4
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section 7-8(44)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 7. Residential Lease Requirements

§ 7-3. Information required.

(A-1) PAYMENT FOR WATER AND WASTEWATER SERVICES.

- (1) ANY PROPERTY OWNER OR MANAGING OPERATOR WHO REQUIRES THAT A TENANT PAY THE COSTS OF WATER OR WASTEWATER SERVICES, WHETHER DIRECTLY TO THE DEPARTMENT OF PUBLIC WORKS OR AS REIMBURSEMENT TO THE OWNER OR MANAGING OPERATOR, SHALL INCLUDE THAT REQUIREMENT IN AN EXPRESS PROVISION OF A WRITTEN LEASE.
- (2) THIS LEASE PROVISION SHALL INCLUDE A STATEMENT THAT THE SIGNED LEASE ESTABLISHES, FOR THE DURATION OF THE LEASE TERM, THE OWNER'S AUTHORIZATION TO THE DEPARTMENT OF PUBLIC WORKS TO RELEASE THE ACCOUNT RECORDS TO THE TENANT ON REQUEST OF THE TENANT OR AN AGENT OF THE TENANT.

Article 24. Water

Subtitle 1. Director of Public Works

§ 1-11. Definitions.

(a) In general.

In this article, the following terms have the meanings indicated.

(B) APPLICANT.

“APPLICANT” MEANS A CUSTOMER WHO APPLIES FOR THE WATER-FOR-ALL DISCOUNT PROGRAM.

(C) AUTHORIZED REPRESENTATIVE.

“AUTHORIZED REPRESENTATIVE” MEANS A PERSON WHO HAS BEEN DESIGNATED IN WRITING BY THE APPLICANT OR RECIPIENT TO ACT ON BEHALF OF THE APPLICANT OR RECIPIENT. THE WRITING NEED NOT BE NOTARIZED.

(D) CUSTOMER.

“CUSTOMER” MEANS:

- (1) THE OWNER OR TENANT OF A PROPERTY WHO RECEIVES OR IS REQUESTING TO RECEIVE WATER OR WASTEWATER SERVICES FROM THE DEPARTMENT; OR
- (2) THAT OWNER’S OR TENANT’S AUTHORIZED REPRESENTATIVE.

(E) *DEPARTMENT.*

“DEPARTMENT” MEANS THE DEPARTMENT OF PUBLIC WORKS.

(F) *DIRECTOR; DPW DIRECTOR.*

“DIRECTOR” OR “DPW DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS OR THE DIRECTOR’S DESIGNEE.

(G) *ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER.*

“ELIGIBLE RESIDENTIAL-WATER-UTILITY CUSTOMER” AND “ELIGIBLE TENANT-WATER-UTILITY CUSTOMER” MEAN A CUSTOMER WHO IS ELIGIBLE FOR THE WATER-FOR-ALL DISCOUNT PROGRAM.

(H) *HOUSEHOLD.*

“HOUSEHOLD” MEANS AN INDIVIDUAL OR GROUP OF INDIVIDUALS WHO ARE LIVING TOGETHER AS ONE UNIT AND FOR WHOM WATER AND WASTEWATER SERVICES ARE PURCHASED IN COMMON.

(I) *INCLUDES; INCLUDING.*

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(J) [(b)] *Person.*

“Person” means:

- (1) an individual;
- (2) [(3)] a partnership, firm, association, corporation, limited liability company, or other entity of any kind; OR
- (3) [(2)] a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind[; or].

(K) *RECIPIENT.*

“RECIPIENT” MEANS A PERSON WHO IS ELIGIBLE FOR AND ENROLLED IN THE WATER-FOR-ALL DISCOUNT PROGRAM.

(L) *RESIDENTIAL-WATER-UTILITY CUSTOMER.*

“RESIDENTIAL-WATER-UTILITY CUSTOMER” MEANS A CUSTOMER:

- (1) WHO OWNS AND OCCUPIES REAL PROPERTY AS HIS OR HER PRINCIPAL RESIDENCE;
- (2) WHOSE NAME APPEARS ON DEPARTMENT RECORDS OR WHO IS A LEGAL HEIR TO A PERSON WHOSE NAME APPEARS ON DEPARTMENT RECORDS; AND
- (3) WHO IS RESPONSIBLE FOR PAYMENT OF THE COST OF WATER OR WASTEWATER SERVICES AT THAT RESIDENCE.

(M) *TENANT.*

“TENANT” MEANS AN INDIVIDUAL WHO IS RENTING OR LEASING REAL PROPERTY AS HIS OR HER PRINCIPAL RESIDENCE.

(N) *TENANT-WATER-UTILITY CUSTOMER.*

“TENANT-WATER-UTILITY CUSTOMER” MEANS A CUSTOMER WHO IS A TENANT AND WHO CAN VERIFY THAT HE OR SHE PAYS A LANDLORD, SEPARATE FROM THE FIXED PERIODIC RENT, AN AMOUNT FOR WATER OR WASTEWATER SERVICES PROVIDED TO HIS OR HER PRINCIPAL RESIDENCE.

(O) *UNUSED CREDIT.*

“UNUSED CREDIT” MEANS ANY PORTION OF A WATER-FOR-ALL CREDIT NOT APPLIED TO THE RECIPIENT’S WATER AND WASTEWATER BILL OR SENT TO THE RECIPIENT PRIOR TO CUT-OFF OF SERVICE.

(P) *WATER-FOR-ALL CREDIT.*

“WATER-FOR-ALL CREDIT” MEANS THE TOTAL CREDIT TOWARDS THE COST OF WATER OR WASTEWATER SERVICES FOR A HOUSEHOLD THAT A CUSTOMER IS ELIGIBLE TO RECEIVE FROM THE WATER-FOR-ALL DISCOUNT PROGRAM FOR THE CALENDAR YEAR, AS DETERMINED ON REVIEW OF THE CUSTOMER’S APPLICATION.

(Q) *WATER-FOR-ALL DISCOUNT PROGRAM; PROGRAM.*

“WATER-FOR-ALL DISCOUNT PROGRAM” OR “PROGRAM” MEANS THE WATER-FOR-ALL DISCOUNT PROGRAM ESTABLISHED UNDER THIS ARTICLE.

Subtitle 2. Bills

§ 2-1. Collection.

(a) *Finance to collect.*

The bills for water used or work done by the Department of Public Works shall be collected by the Department of Finance.

(b) *When due.*

UNLESS ABATED UNDER THIS SUBTITLE, [All] ALL bills therefor shall be paid within 20 days after they have been issued.

(c) *Cut-off on default.*

SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE, [On] ON default in [such] payment FOR BILLS ISSUED UNDER THIS SECTION, the Department of Public Works may cut-off the supply.

(D) *COPY OF BILL TO TENANT-WATER-UTILITY CUSTOMER.*

ANY LANDLORD THAT REQUIRES A RESIDENTIAL TENANT TO PAY FOR THE COSTS OF WATER OR WASTEWATER SERVICES SHALL:

- (1) INCLUDE THAT REQUIREMENT IN A WRITTEN LEASE, AS PROVIDED IN CITY CODE ARTICLE 13, § 7-3(A-1); AND
- (2) EITHER:
 - (i) TIMELY PROVIDE THE TENANT WITH A COPY OF THE WATER OR WASTEWATER BILL; OR
 - (ii) TIMELY NOTIFY THE DEPARTMENT THAT THE BILL SHOULD BE SENT TO THE TENANT.

§ 2-3. **Cut-off for [nonpayment] ARREARAGE.**

(a) *Property owners responsible.*

The owners of property are in all cases responsible for the payment of water bills.

(b) *Arrearages.*

- (1) [Bills] IF A STRUCTURE FOR WHICH A BILL IS IN ARREARS IS NOT A VACANT STRUCTURE, AS DEFINED IN BUILDING CODE § 116.4 {"VACANT STRUCTURES"}, THE DEPARTMENT MAY CUT OFF [are sufficient reason for discontinuing] water service, SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE, until all arrearages are paid.
- (2) If a structure for which a bill is in arrears is a vacant structure, as defined in Baltimore City Building Code § 116.4 {"Vacant structures"}, the Department shall proceed as follows:
 - (i) for a structure that has an accessible water meter, the Department shall cut off the water to the premises; or
 - (ii) for a structure that does not have an accessible water meter, the Department shall cut off the water to the premises if damage to adjacent property is imminent or demolition of the property is planned.

(c) *Charge to restore service.*

- (1) [When] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, WHEN a water supply is cut off for nonpayment of water charges, a service-restoration fee must be paid before the supply is turned on again.
- (2) The amount of the service-restoration fee shall be as determined by the Board of Estimates in accordance with Subtitle 3 of this article.
- (3) WHILE ENROLLED IN THE WATER-FOR-ALL DISCOUNT PROGRAM, A RECIPIENT IS NOT LIABLE FOR ANY SERVICE-RESTORATION FEE IMPOSED UNDER THIS SUBSECTION.

(d) *Unauthorized use.*

The Department of Public Works [shall] MAY cut off the water from the premises of any person who:

- (1) introduces water to his, her, or its premises without authorization from the Department; or
- (2) permits another person (not entitled to use the water) to use the water without authorization from the Department.

§ 2-4. *{RESERVED}*

§ 2-5. *{RESERVED}*

§ 2-6. **WATER-FOR-ALL PROGRAM – OVERVIEW.**

(A) *DIRECTOR TO ADOPT RULES AND REGULATIONS.*

- (1) THE DIRECTOR SHALL ADOPT AND ENFORCE RULES AND REGULATIONS TO ADMINISTER A WATER-FOR-ALL DISCOUNT PROGRAM IN CONFORMANCE WITH THIS ARTICLE.
- (2) A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

(B) *ELIGIBILITY CRITERIA.*

- (1) EACH RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMER WHOSE HOUSEHOLD INCOME IN A CALENDAR YEAR IS LESS THAN 200% OF THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME GUIDELINES, AS PUBLISHED ANNUALLY BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, IS ELIGIBLE FOR THE WATER-FOR-ALL DISCOUNT PROGRAM.
- (2) RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMERS ARE NOT REQUIRED TO BE CITIZENS OR PERMANENT RESIDENTS OF THE UNITED STATES IN ORDER TO BE ELIGIBLE FOR THE WATER-FOR-ALL DISCOUNT PROGRAM.

(C) *DIRECTOR TO INFORM CUSTOMERS OF PROGRAM.*

THE DIRECTOR SHALL INFORM EACH RESIDENTIAL- AND TENANT-WATER-UTILITY CUSTOMER OF THE AVAILABILITY OF AND ELIGIBILITY CRITERIA FOR THE WATER-FOR-ALL DISCOUNT PROGRAM IN EACH BILL AND IN EACH NOTICE PROVIDED UNDER § 4-3(D) {"CUT-OFF FOR NON-PAYMENT: NOTICE"} OF THIS ARTICLE.

§ 2-7. **WATER-FOR-ALL PROGRAM – APPLICATION FOR PROGRAM.**

(A) *HOW SUBMITTED.*

A CUSTOMER MAY SUBMIT A WATER-FOR-ALL DISCOUNT PROGRAM APPLICATION TO THE DEPARTMENT ONLINE, IN PERSON, OR BY MAIL.

(B) *REQUISITES FOR COMPLETE APPLICATION.*

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A COMPLETE APPLICATION, SIGNED AND DATED BY THE CUSTOMER OR THE CUSTOMER'S AUTHORIZED REPRESENTATIVE, MUST INCLUDE:

- (1) THE NAMES AND AGES OF ALL HOUSEHOLD MEMBERS;
- (2) THE ESTIMATED ANNUAL HOUSEHOLD INCOME FOR THE CURRENT CALENDAR YEAR;
- (3) IF THE APPLICANT IS A TENANT:
 - (I) A STATEMENT, SEPARATELY SIGNED AND DATED BY THE CUSTOMER OR THE CUSTOMER'S AUTHORIZED REPRESENTATIVE, THAT THE TENANT IS A TENANT-WATER-UTILITY CUSTOMER;
 - (II) THE NAME AND ADDRESS OF THE LANDLORD;
 - (III) THE AMOUNT OWED IN RENT PER MONTH; AND
 - (IV) IF APPLICABLE, VERIFICATION THAT THE TENANT PAYS A SEPARATE AMOUNT FOR WATER OR WASTEWATER SERVICES TO THE LANDLORD (E.G., BY COPY OF THE RENTAL OR LEASE AGREEMENT SO INDICATING);
- (4) A STATEMENT, SEPARATELY SIGNED AND DATED BY THE APPLICANT OR THE APPLICANT'S AUTHORIZED REPRESENTATIVE, ALLOWING THE DIRECTOR TO OBTAIN VERIFICATION, THROUGH ANY APPROPRIATE SOURCES, ABOUT STATEMENTS MADE OR DOCUMENTS PRESENTED BY THE APPLICANT OR THE APPLICANT'S AUTHORIZED REPRESENTATIVE DURING THE APPLICATION PROCESS;
- (5) A CERTIFICATION:
 - (I) THAT THE RECIPIENT WILL NOTIFY THE DEPARTMENT IMMEDIATELY IF THE ACTUAL ANNUAL HOUSEHOLD INCOME EXCEEDS THE AMOUNT STATED IN THE APPLICATION; AND
 - (II) THAT, IF THE ACTUAL INCOME RENDERS THE RECIPIENT INELIGIBLE, THE RECIPIENT WILL FULLY AND PROMPTLY COOPERATE WITH THE DEPARTMENT IN ITS EFFORTS, UNDER § 2-11(C) {"WATER-FOR-ALL ... - MIDYEAR INELIGIBILITY"} OF THIS SUBTITLE, TO RECOVER CREDITS DISTRIBUTED FOR ANY PERIOD OF INELIGIBILITY; AND
- (6) A CERTIFICATION, SEPARATELY SIGNED AND DATED BY THE APPLICANT OR THE APPLICANT'S AUTHORIZED REPRESENTATIVE, THAT ALL ANSWERS TO THE QUESTIONS AND ITEMS ON THE APPLICATION FORM ARE TRUE AND ACCURATE TO THE BEST OF THE APPLICANT'S KNOWLEDGE.

(C) *VERIFICATION.*

ON REQUEST BY THE DIRECTOR FOR GOOD CAUSE, THE APPLICANT SHALL:

- (1) PROVIDE VERIFICATION OF THE INFORMATION PROVIDED ON THE APPLICATION;
AND

- (2) SUBMIT PHOTOCOPIES OF HIS OR HER FEDERAL, STATE, OR CITY INCOME TAX RETURN OR OTHER ACCEPTABLE EVIDENCE.

(D) *EXCEPTION FOR ENROLLEES IN CERTAIN STATE PROGRAMS.*

- (1) INSTEAD OF THE APPLICATION SET FORTH IN THIS SECTION, AN APPLICANT WHO DEMONSTRATES THAT HE OR SHE IS ALREADY A PARTICIPANT IN ANY STATE PROGRAM WHERE ELIGIBILITY IS ESTABLISHED BY INCOME OF LESS THAN 200% OF THE FEDERAL GOVERNMENT'S OFFICIAL GUIDELINES, IS DEEMED ELIGIBLE FOR THE WATER-FOR-ALL DISCOUNT PROGRAM.
- (2) THE DIRECTOR SHALL PROVIDE A STREAMLINED APPLICATION PROCESS FOR THESE APPLICANTS AND MAY NOT REQUIRE ANY OTHER INCOME VERIFICATION FOR PROGRAM ELIGIBILITY.

§ 2-8. WATER-FOR-ALL PROGRAM – GRANT OF CREDIT.

(A) *IN GENERAL.*

EACH ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER WHO SUBMITS A COMPLETE APPLICATION, CONTAINING THE INFORMATION REQUIRED BY § 2-7 {"WATER-FOR-ALL ... – APPLICATION FOR PROGRAM"} OF THIS SUBTITLE, SHALL RECEIVE A WATER-FOR-ALL CREDIT AS FOLLOWS:

- (1) ELIGIBLE RESIDENTIAL-WATER-UTILITY CUSTOMERS SHALL RECEIVE 1 FIXED ANNUAL CREDIT FOR EACH HOUSEHOLD. ONLY 1 CREDIT IS ALLOWED PER HOUSEHOLD PER CALENDAR YEAR.
- (2) ELIGIBLE TENANT-WATER-UTILITY CUSTOMERS SHALL RECEIVE ONLY 1 ANNUAL CREDIT PER ELIGIBLE CUSTOMER. HOWEVER, WHERE THERE ARE MULTIPLE TENANTS SHARING RENT IN A HOUSEHOLD, THE CREDIT SHALL BE DIVIDED AMONG THOSE WHO ARE ON THE LEASE OR RENTAL AGREEMENT OR WHO OTHERWISE VERIFY THAT THEY ARE ELIGIBLE TENANT-WATER-UTILITY CUSTOMERS. FOR SUBLEASES, THE CREDIT SHALL BE PRORATED FOR THE TIME THAT THE SUBLESSEE IS AN ELIGIBLE TENANT-WATER-UTILITY CUSTOMER LIVING IN THAT HOUSEHOLD.

(B) *AMOUNT OF CREDIT.*

(1) *FORMULA.*

THE WATER-FOR-ALL CREDIT IS DETERMINED BY THE FORMULA

$$C = B - I \times A$$

WHERE

C = THE WATER-FOR-ALL CREDIT.

B = EITHER:

- (1) THE RECIPIENT'S ESTIMATED ANNUAL WATER AND WASTEWATER BILL, INCLUSIVE OF VOLUMETRIC USAGE CHARGES, THE ACCOUNT MANAGEMENT FEE, AND INFRASTRUCTURE CHARGES, BASED ON THE RECIPIENT'S HISTORICAL AVERAGE ANNUAL WATER USAGE AND THE PROJECTED RATE SCHEDULE FOR THE YEAR; OR

- (ii) IF WATER AND WASTEWATER UTILITY SERVICE IS MASTER-METERED AND THE OWNER BILLS THE COST OF SERVICE TO A TENANT-WATER-UTILITY-CUSTOMER ON AN ALLOCATED BASIS, THE RECIPIENT'S ESTIMATED ANNUAL WATER AND WASTEWATER BILL, BASED ON EVIDENCE OF PRIOR BILLINGS OCCURRING DURING THE TENANT RECIPIENT'S CURRENT LEASE OR RENTAL-AGREEMENT TERM AND EXCLUSIVE OF THE OWNER'S ADMINISTRATIVE CHARGES RELATED TO THE ALLOCATION.

I = THE RECIPIENT'S ESTIMATED ANNUAL HOUSEHOLD INCOME.

A = AFFORDABILITY THRESHOLD, AS FOLLOWS:

- (i) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS 50% OR LESS THAN THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME GUIDELINES, A EQUALS 1%;
- (ii) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS GREATER THAN 50% BUT LESS THAN 100% OF THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME GUIDELINES, A EQUALS 2%; AND
- (iii) IF THE RECIPIENT'S ANNUAL HOUSEHOLD INCOME IS GREATER THAN 100% OF THE FEDERAL GOVERNMENT'S OFFICIAL POVERTY INCOME GUIDELINES, A EQUALS 3%.

(2) *NEGATIVE C.*

FOR ALL NEGATIVE VALUES OF C, THE WATER-FOR-ALL CREDIT IS ZERO DOLLARS.

(3) *PRORATION.*

THE 1ST ANNUAL WATER-FOR-ALL CREDIT SHALL BE PRORATED, ACCOUNTING FROM THE DATE OF THE RECIPIENT'S ENROLLMENT IN THE PROGRAM.

(c) *CALCULATING INCOME.*

IN CALCULATING ANNUAL HOUSEHOLD INCOME FOR BOTH ELIGIBILITY AND AMOUNT OF THE WATER-FOR-ALL CREDIT, THE DIRECTOR SHALL USE THE SAME COUNTABLE AND NON-COUNTABLE INCOME SPECIFIED, IN COMAR 07.03.22.04, AS AMENDED FROM TIME TO TIME, BY THE MARYLAND DEPARTMENT OF HUMAN RESOURCES FOR ITS "ELECTRIC UNIVERSAL SERVICE PROGRAM".

§ 2-9. WATER-FOR-ALL PROGRAM – DISTRIBUTION OF CREDIT.

(A) *IN GENERAL.*

THE WATER-FOR-ALL CREDIT SHALL BE APPLIED TO THE WATER OR WASTEWATER BILL OR SENT TO EACH RECIPIENT BY CHECK, AS FOLLOWS:

- (1) DISTRIBUTION OF THE CREDIT SHALL BEGIN AS SOON AS PRACTICABLE AFTER THE ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER APPLIES FOR THE PROGRAM. BUT IN NO CASE MAY IT BE LATER THAN 90 DAYS AFTER THE DEPARTMENT'S RECEIPT OF A COMPLETED APPLICATION THAT DEMONSTRATES A CUSTOMER'S ELIGIBILITY FOR THE PROGRAM.

- (2) THE CREDIT FOR A TENANT-WATER-UTILITY CUSTOMER WHOSE WATER AND WASTEWATER UTILITY SERVICE IS MASTER-METERED AND BILLED TO THE CUSTOMER BY THE OWNER ON AN ALLOCATED BASIS SHALL BE DISBURSED BY CHECK PAYABLE TO THE TENANT-WATER-UTILITY CUSTOMER.
- (3) CUSTOMERS MAY ELECT TO RECEIVE CREDITS DISBURSED ON A MONTHLY BASIS IN AN AMOUNT EQUAL TO ONE-TWELFTH OF THE ANNUAL CREDIT.
- (4) THE CREDIT SHALL BE APPLIED TO EACH SUBSEQUENT BILL UNTIL THE FULL AMOUNT OF THE CREDIT IS EXHAUSTED.
- (5) AT THE END OF EACH CALENDAR YEAR, FOR CUSTOMERS ELIGIBLE FOR THE WATER-FOR-ALL DISCOUNT PROGRAM FOR THE FOLLOWING YEAR, THE DIRECTOR SHALL APPLY ANY UNUSED CREDIT TO THE RECIPIENT'S BILLS FOR THE FOLLOWING YEAR.

(B) *IN CASE OF SERVICE TERMINATION.*

WHEN A RECIPIENT TERMINATES SERVICE, THE UNUSED CREDIT SHALL BE DISPERSED ACCORDING THE FOLLOWING PRIORITIES:

- (1) WITHIN 45 DAYS OF TERMINATION, THE DIRECTOR SHALL APPLY ANY UNUSED BALANCE TO THE RECIPIENT'S ACCOUNT BEFORE ANY OTHER CREDITS OR DEPOSITS ARE APPLIED WHEN DETERMINING THE ACCOUNT BALANCE DUE TO OR FROM THE CUSTOMER.
- (2) WHEN A RECIPIENT CHANGES HIS OR HER PRINCIPAL RESIDENCE TO A DIFFERENT UNIT THAT IS PROVIDED WATER AND WASTEWATER SERVICES BY THE DEPARTMENT, ANY UNUSED CREDIT SHALL BE TRANSFERRED TO THE RECIPIENT'S NEW ACCOUNT.
- (3) ON THE DEATH OF A RECIPIENT, THE UNUSED CREDIT SHALL BE TRANSFERRED TO A NEW ACCOUNT OF A SURVIVING MEMBER OF THE DECEDENT'S HOUSEHOLD WHO IS AN ELIGIBLE RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER IN HIS OR HER OWN RIGHT.
- (4) WITHIN 60 DAYS OF TERMINATION, THE DPW DIRECTOR SHALL RETURN TO THE FINANCE DIRECTOR ANY UNUSED CREDIT THAT CANNOT BE TRANSFERRED AS STATED IN THIS SUBSECTION.

§ 2-10. WATER-FOR-ALL PROGRAM – PROGRAM DENIALS.

IF THE DIRECTOR DETERMINES ANY APPLICANT TO BE INELIGIBLE FOR THE WATER-FOR-ALL CREDIT, THE DIRECTOR SHALL NOTIFY THE APPLICANT OF THIS DETERMINATION AND OF THE APPLICANT'S RIGHT TO APPEAL UNDER § 2-21 {"OFFICE ... – APPEALS"} OF THIS SUBTITLE.

§ 2-11. WATER-FOR-ALL PROGRAM – MIDYEAR INELIGIBILITY FOR CREDIT.

(A) *MIDYEAR INELIGIBILITY DESCRIBED.*

THE WATER-FOR-ALL CREDIT IS CONFERRED BASED ON ANNUAL HOUSEHOLD INCOME FOR THE CURRENT CALENDAR YEAR, AS ESTIMATED AT THE TIME OF APPLICATION. IF THE RECIPIENT'S ACTUAL ANNUAL HOUSEHOLD INCOME FOR THE CURRENT CALENDAR YEAR

EXCEEDS THE ELIGIBILITY CRITERIA, THAT RECIPIENT WILL BECOME INELIGIBLE FOR THE REMAINDER OF THE CALENDAR YEAR.

(B) RECIPIENT TO NOTIFY DIRECTOR OF INCREASED INCOME.

RECIPIENTS ARE REQUIRED TO NOTIFY THE DIRECTOR IMMEDIATELY IF THEIR ANNUAL HOUSEHOLD INCOME EXCEEDS THE ELIGIBILITY CRITERIA.

(C) DEPARTMENT TO RECOVER CREDITS DISTRIBUTED WHILE INELIGIBLE.

THE DEPARTMENT SHALL TAKE NECESSARY ACTION TO RECOVER, WHEN APPROPRIATE, THE FULL AMOUNT OF WATER-FOR-ALL CREDITS DISTRIBUTED TO BENEFICIARIES FOR ANY PERIOD OF INELIGIBILITY.

§ 2-12. WATER-FOR-ALL PROGRAM – ENROLLMENT CONFIRMATION.

ON A CUSTOMER'S ENROLLMENT INTO THE WATER-FOR-ALL DISCOUNT PROGRAM, THE DEPARTMENT SHALL PROVIDE THE CUSTOMER WITH A WRITTEN STATEMENT THAT SETS FORTH:

- (1) THE ESTIMATED ANNUAL AND MONTHLY BILL WITHOUT THE WATER-FOR-ALL CREDIT;
- (2) THE AMOUNT OF THE WATER-FOR-ALL CREDIT;
- (3) THE ESTIMATED ANNUAL AND MONTHLY BILL WITH THE WATER-FOR-ALL CREDIT TO BE APPLIED;
- (4) THE MONTHLY BILL DUE DATE;
- (5) THE AMOUNT OF PRE-WATER-FOR-ALL CREDIT ARREARS THAT WERE ACCRUED PRIOR TO ENROLLMENT;
- (6) THE REQUIREMENT THAT THE CUSTOMER PAY BILLS ISSUED;
- (7) A BRIEF EXPLANATION OF THE CONSEQUENCES OF NONPAYMENT;
- (8) A BRIEF EXPLANATION OF THE ELIMINATION OF PRE-ENROLLMENT ARREARS ON TIMELY PAYMENTS, AS PROVIDED IN § 2-13 {"WATER-FOR-ALL ... – PROGRAM ARREARS"} OF THIS SUBTITLE;
- (9) A BRIEF EXPLANATION OF THE DUTY TO REMAIN ELIGIBLE OR TO NOTIFY THE DEPARTMENT IMMEDIATELY IF THE COSTUMER BECOMES INELIGIBLE; AND
- (10) A BRIEF EXPLANATION OF THE ANNUAL RECERTIFICATION REQUIREMENT FOR CONTINUED PARTICIPATION.

§ 2-13. WATER-FOR-ALL PROGRAM – PROGRAM ARREARS.

(A) ON-TIME PAYMENTS.

EACH ON-TIME PAYMENT BY A WATER-FOR-ALL DISCOUNT PROGRAM RECIPIENT SHALL BE CREDITED TOWARDS THE RECIPIENT'S PRE-ENROLLMENT ARREARS IN THE AMOUNT OF THE PAYMENT UNTIL ALL ARREARS ARE SATISFIED.

(B) *EXCESS PAYMENTS.*

ANY AMOUNT PAID FOR A BILL IN EXCESS OF THE RECIPIENT'S CURRENT WATER LIABILITIES REDUCES THE BALANCE OF HIS OR HER PRE-ENROLLMENT ARREARS AND REDUCES THE AMOUNT OF ON-TIME PAYMENTS THAT THE RECIPIENT WILL HAVE TO MAKE TO SATISFY THOSE ARREARS

(C) *TIMELY PAYMENTS IN FULL - EFFECT OF MAKING.*

ONCE A RECIPIENT IS ENROLLED IN THE WATER-FOR-ALL DISCOUNT PROGRAM, TIMELY PAYMENT IN FULL OF EACH BILL SATISFIES ALL OF A RECIPIENT'S CURRENT WATER LIABILITIES, SO THAT THERE IS NO ADDITION TO ARREARS AFTER ENROLLMENT.

(D) *TIMELY PAYMENTS IN FULL - EFFECT OF FAILURE TO MAKE.*

A FAILURE TO MAKE TIMELY PAYMENTS IN FULL WILL ADD TO PRE-ENROLLMENT ARREARS, SUBJECTING THEM TO POTENTIAL WATER CUT-OFF PURSUANT TO § 4-3 {"CUT-OFF FOR NONPAYMENT"} OF THIS ARTICLE AND EXTENDING THE NUMBER OF ON-TIME PAYMENTS THAT THE RECIPIENT WILL HAVE TO MAKE TO ELIMINATE ALL PRE-ENROLLMENT ARREARS.

(E) *SERVICE RESTORATION AFTER CUT-OFF FOR NON-PAYMENT.*

IN THE EVENT THAT A RECIPIENT'S SERVICE IS TERMINATED FOR NON-PAYMENT OF BILLS AFTER ENROLLMENT IN THE WATER-FOR-ALL DISCOUNT PROGRAM, THE RECIPIENT IS ENTITLED TO IMMEDIATE RESTORATION OF SERVICE ON:

- (i) THE RECIPIENT'S PAYMENT OF THOSE UNPAID BILLS; OR
- (ii) THE RECIPIENT'S ENTRY INTO AN INSTALLMENT PAYMENT AGREEMENT WITH THE DEPARTMENT FOR PAYMENT OF THOSE UNPAID BILLS.

(F) *NOTICE OF PROGRAM AND AVAILABLE INSTALLMENT PAYMENT AGREEMENT.*

THE DEPARTMENT SHALL NOTIFY ALL CUSTOMERS IN ARREARS OF THE AVAILABILITY OF THE WATER-FOR-ALL PROGRAM AND OF THEIR ABILITY TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT PROGRAM PURSUANT TO § 4-5 {"INSTALLMENT PAYMENT AGREEMENT"} OF THIS ARTICLE.

§ 2-14. WATER-FOR-ALL PROGRAM – ANNUAL RECERTIFICATION OF ELIGIBILITY.

(A) *IN GENERAL.*

NO LESS THAN 60 CALENDAR DAYS BEFORE THE END OF EACH CALENDAR YEAR, THE DIRECTOR SHALL:

- (1) NOTIFY ALL RECIPIENTS OF THEIR OBLIGATION TO RECERTIFY THEIR ELIGIBILITY FOR THE PROGRAM; AND
- (2) ALLOW EACH RECERTIFIED RECIPIENT TO RE-ENROLL IN PERSON, ONLINE, OR IN THE MAIL.

(B) *EFFECT OF RECERTIFICATION.*

A RECIPIENT'S RECERTIFICATION OF ELIGIBILITY HAS THE SAME EFFECT AS IF THE CUSTOMER HAD REAPPLIED.

(C) *EFFECT OF FAILURE TO RECERTIFY.*

A RECIPIENT'S FAILURE TO RECERTIFY ELIGIBILITY WITHIN 90 DAYS AFTER THE NOTIFICATION RENDERS THE RECIPIENT INELIGIBLE TO CONTINUE IN THE PROGRAM, SUBJECT TO REAPPLICATION.

§ 2-15. WATER-FOR-ALL PROGRAM – PROGRAM DISPUTES.

ANY APPLICANT OR RECIPIENT AGGRIEVED BY A DETERMINATION OF THE DEPARTMENT UNDER THIS PROGRAM MAY APPEAL THAT DETERMINATION TO THE OFFICE, AS PROVIDED IN § 2-21 {"OFFICE ... – APPEALS"} OF THIS SUBTITLE.

§ 2-16. {RESERVED}

§ 2-17. OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS – OFFICE ESTABLISHED; NATURE, PURPOSES, PRIMARY FUNCTIONS.

(A) *OFFICE ESTABLISHED.*

THERE IS AN OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS.

(B) *NATURE AND PURPOSES OF OFFICE.*

(1) THE OFFICE IS A NEUTRAL INTERMEDIARY CREATED TO PROMOTE FAIRNESS TO CUSTOMERS DEALING WITH WATER AND WASTEWATER BILLING DISPUTES.

(2) THE PURPOSES OF THE OFFICE ARE:

(i) TO PROVIDE A PROBLEM-SOLVING RESOLUTION PROCESS FOR DISPUTES BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS ABOUT WATER-FOR-ALL DISCOUNT PROGRAM DETERMINATIONS AND WATER AND WASTEWATER BILLINGS; AND

(ii) TO PROVIDE GUIDANCE ON BROADER RULES, REGULATIONS, POLICIES, AND PROCEDURES OF THE DEPARTMENT THAT RELATE TO CUSTOMER ISSUES WITH WATER AND WASTEWATER BILLINGS.

(3) THE OFFICE:

(i) SHALL OPERATE INDEPENDENTLY AND OUTSIDE THE CONTROL OF THE DEPARTMENT OF PUBLIC WORKS; BUT

(ii) IS ENTITLED TO THE FULL COOPERATION AND COLLABORATION OF THE DEPARTMENT OF PUBLIC WORKS' STAFF AND CONTRACTORS, INCLUDING ACCESS TO ALL CUSTOMER RECORDS AND THE ABILITY TO CONFER WITH DEPARTMENT LEADERSHIP, STAFF, AND CONTRACTORS.

(C) *PRIMARY FUNCTIONS.*

THE OFFICE SERVES THE FOLLOWING THREE PRIMARY FUNCTIONS:

- (1) SERVING AS A CUSTOMER ADVOCATE, BY CONDUCTING PROBLEM-SOLVING INVESTIGATIONS AND IMPLEMENTING SOLUTIONS, INCLUDING:
 - (I) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO BILLING DISPUTES BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS, EVEN IF THE CUSTOMER HAS NOT YET EXHAUSTED OPTIONS FOR DISPUTE RESOLUTION OFFERED BY THE DEPARTMENT;
 - (II) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO DISPUTES BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS OVER WATER-FOR-ALL DISCOUNT PROGRAM DETERMINATIONS OR OTHER DEPARTMENT ACTIONS OR DECISIONS RELATED TO WATER AND WASTEWATER BILLING, SERVICE CUT-OFFS, OR LACK OF NOTICE OF BILLING-RELATED ISSUES;
 - (III) CONNECTING CUSTOMERS TO COMPLEMENTARY SOCIAL SERVICES;
 - (IV) INVESTIGATING AND IMPROVING COMMUNICATIONS BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS, BY INVESTIGATING WHETHER NOTICES SHOULD BE IN OTHER LANGUAGES, ENSURING THAT CUSTOMERS RECEIVE TIMELY AND COMPLETE NOTICE OF PAYMENTS DUE, AND ENSURING THAT CUSTOMERS RECEIVE TIMELY AND COMPLETE NOTICE OF OPTIONS FOR REDUCING PAYMENTS UNDER ALL EXISTING PROGRAMS; AND
 - (V) ADJUSTING CUSTOMER BILLS WHEN WARRANTED;
- (2) CONDUCTING APPEALS HEARINGS ON REQUEST OF AGGRIEVED CUSTOMERS AFTER A PROBLEM-SOLVING DETERMINATION HAS BEEN MADE; AND
- (3) REPORTING AT LEAST SEMI-ANNUALLY TO THE COMMITTEE FOR OFFICE OVERSIGHT ESTABLISHED UNDER § 2-24 {"OFFICE ... - COMMITTEE FOR OFFICE OVERSIGHT"} OF THIS SUBTITLE, ON:
 - (I) OFFICE OPERATIONS AND ACTIVITIES, INCLUDING:
 - (A) DATA ON THE OFFICE'S CUSTOMER-ADVOCACY INVESTIGATION AND PROBLEM-SOLVING EFFORTS AND ITS APPEALS FUNCTION; AND
 - (B) EXAMPLES OF COMMON CUSTOMER COMPLAINTS, THE METHODS BY WHICH THE DEPARTMENT OF PUBLIC WORKS ADDRESSES THOSE COMPLAINTS, AN ASSESSMENT OF THOSE METHODS, AND RECOMMENDATIONS FOR ALTERNATIVE APPROACHES; AND
 - (II) RECOMMENDATIONS THAT THE OFFICE HAS FOR:
 - (A) CHANGES TO THE DEPARTMENT'S RULES, REGULATIONS, POLICIES, OR PROCEDURES THAT WILL PROMOTE FAIRNESS TO CUSTOMERS AND RESOLVE CUSTOMER CONCERNS;
 - (B) TASK FORCES AND ADDITIONAL OFFICE STAFF; AND

(C) ANY OTHER OPTIONS FOR PROMOTING FAIRNESS TO CUSTOMERS AND RESOLVING CUSTOMER CONCERNS.

§ 2-18. OFFICE OF CUSTOMER ADVOCACY . . . – ADMINISTRATION.

(A) *OFFICE ADMINISTRATOR.*

THE HEAD OF THE OFFICE, WHO SHALL SUPERVISE AND DIRECT THE OFFICE'S PERSONNEL AND OPERATIONS, IS THE OFFICE ADMINISTRATOR, TO BE APPOINTED BY THE MAYOR IN ACCORDANCE CITY CHARTER ARTICLE IV, § 6.

(B) *OFFICE STAFF.*

THE OFFICE ADMINISTRATOR MAY APPOINT THE OFFICE'S CUSTOMER ADVOCATES, APPEALS OFFICERS, AND SUPPORTING STAFF, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(C) *QUALIFICATIONS OF OFFICE OFFICIALS.*

THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, AND APPEALS OFFICERS MUST:

- (1) BE IMPARTIAL;
- (2) BE KNOWLEDGEABLE ABOUT WATER AND WASTEWATER SERVICES, WATER USAGE, BILLING PRACTICES, AND BILLING PROCEDURES; AND
- (3) HAVE SUBSTANTIAL EXPERIENCE IN DISPUTE RESOLUTION, CONSUMER PROTECTION, AND THE DELIVERY OF PUBLIC SERVICES.

(D) *SALARY; BENEFITS.*

- (1) THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, APPEALS OFFICERS, AND SUPPORTING STAFF ARE ENTITLED TO COMPENSATION AS PROVIDED IN THE ORDINANCE OF ESTIMATES.
- (2) THE OFFICE'S ADMINISTRATOR, CUSTOMER ADVOCATES, APPEALS OFFICERS, AND SUPPORTING STAFF ARE ENTITLED TO PARTICIPATE IN ANY CITY-SPONSORED BENEFITS PROGRAM TO THE SAME EXTENT AND UNDER THE SAME TERMS AS OTHER CITY OFFICERS AND EMPLOYEES.

§ 2-19. OFFICE OF CUSTOMER ADVOCACY . . . – REQUEST FOR ASSISTANCE.

A CUSTOMER MAY SEEK OFFICE ASSISTANCE BY SUBMITTING A WRITTEN OR ORAL REQUEST TO THE DEPARTMENT OR TO THE OFFICE WITHIN 90 CALENDAR DAYS OF ANY DISPUTED WATER-FOR-ALL DISCOUNT PROGRAM DETERMINATION OR OTHER DEPARTMENT ACTION OR DECISION RELATED TO WATER AND WASTEWATER BILLING, SERVICE CUT-OFFS, OR LACK OF NOTICE OF BILLING-RELATED ISSUES.

§ 2-20. OFFICE OF CUSTOMER ADVOCACY . . . – CUSTOMER-ADVOCACY SERVICES.

(A) *REFERRAL TO CUSTOMER-ADVOCACY SERVICES.*

WHENEVER A CUSTOMER ASKS THE DEPARTMENT FOR ASSISTANCE UNDER § 2-19 {"OFFICE ... - REQUEST FOR ASSISTANCE"}, THE DEPARTMENT SHALL IMMEDIATELY:

(1) NOTIFY THE CUSTOMER OF THE CUSTOMER'S RIGHT TO ACCESS THE OFFICE'S CUSTOMER-ADVOCACY PROBLEM-SOLVING SERVICES; AND

(2) FORWARD THE CUSTOMER'S REQUEST FOR ASSISTANCE TO THE OFFICE.

(B) INVESTIGATION BY CUSTOMER ADVOCATE.

(1) IN ORDER TO RESOLVE A BILLING OR OTHER DISPUTE, A CUSTOMER ADVOCATE MAY:

(I) INVESTIGATE THE COMPUTATION OF WATER CHARGES FOR ACCURACY;

(II) INVESTIGATE METER READING FOR POSSIBLE MISCALCULATIONS OR MALFUNCTION;

(III) INVESTIGATE WHETHER THE AMOUNT BILLED IS ERRONEOUS BASED ON HOUSEHOLD SIZE, BILLING CYCLE, AMOUNT OF REPORTED USAGE, OR OTHER RELEVANT FACTORS;

(IV) CONSIDER WHETHER REPORTED METER READINGS ARE SO UNREASONABLY HIGH AS TO BE PRIMA FACIE EVIDENCE THAT THE METER IS INCORRECT;

(V) FACILITATE A SEARCH FOR LEAKS ON THE CUSTOMER'S PREMISES AND NEARBY CITY PROPERTY; AND

(VI) MAKE A REASONABLE INVESTIGATION OF ANY MATERIAL FACTS AND CLAIMS ASSERTED BY THE CUSTOMER AS TO THE CAUSE OF THE ERRONEOUS BILL OR DEPARTMENT DECISION.

(2) BOTH THE CUSTOMER AND THE DEPARTMENT OF PUBLIC WORKS SHALL COMPLY WITH A CUSTOMER ADVOCATE'S REQUESTS FOR INFORMATION AND SCHEDULING. ON REQUEST OF THE OFFICE, STAFF AND CONTRACTORS OF THE DEPARTMENT SHALL PERFORM TESTS AND OTHERWISE USE THEIR EXPERTISE TO ASSIST IN INVESTIGATION AND PROBLEM-SOLVING FUNCTIONS.

(C) EXAMPLES OF POTENTIAL RELIEF AVAILABLE.

(1) *IN GENERAL.*

A CUSTOMER ADVOCATE MAY GRANT APPROPRIATE EQUITABLE RELIEF TO A CUSTOMER, INCLUDING:

(I) THE REFUND OF A PAYMENT MADE FOR WATER AND WASTEWATER USAGE CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY CHARGEABLE;

(II) THE REDUCTION OF AS-YET UNPAID WATER AND WASTEWATER USAGE CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY CHARGEABLE; OR

(III) THE REVERSAL OF A DEPARTMENT DECISION.

(2) *LIMITATION.*

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A CUSTOMER ADVOCATE MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL-OR TENANT-WATER-UTILITY CUSTOMER.

(D) *ADVOCATE'S REPORT.*

(1) *IN GENERAL.*

AFTER COMPLETION OF AN INVESTIGATION, THE CUSTOMER ADVOCATE SHALL:

(I) ISSUE A WRITTEN REPORT CONTAINING A DESCRIPTION OF THE INVESTIGATION AND A STATEMENT OF:

- (A) THE LAW AND FACTS;
- (B) THE RESULTS OF THE INVESTIGATION;
- (C) ANY RELIEF GRANTED OR DENIED; AND
- (D) AN EXPLANATION FOR THAT DETERMINATION;

(II) MAIL A COPY OF THE REPORT TO THE DEPARTMENT AND TO THE CUSTOMER AT THE CUSTOMER'S LAST-KNOWN ADDRESS; AND

(III) KEEP ALL RECORDS OF THE INVESTIGATION AND THE REPORT.

(2) *BILL ADJUSTMENT.*

IF THE REPORT CONCLUDES THAT THE CUSTOMER'S BILL NEEDS TO BE ADJUSTED, THE DEPARTMENT SHALL PROMPTLY ISSUE AN AMENDED BILL TO THE CUSTOMER.

(3) *NOTICE OF RIGHT TO APPEAL.*

(I) THE REPORT SHALL NOTIFY THE CUSTOMER OF HIS OR HER RIGHT TO APPEAL THE RESULTS OF THE INVESTIGATIVE REPORT.

(II) THE NOTICE SHALL CONTAIN:

- (A) THE DEADLINES FOR AND METHODS OF FILING THE APPEAL; AND
- (B) THE PROCEDURES BY WHICH THE APPEAL WILL BE HEARD.

§ 2-21. OFFICE OF CUSTOMER ADVOCACY . . . – APPEALS.

(A) *CUSTOMER'S RIGHT TO APPEAL.*

(1) A CUSTOMER IS ENTITLED TO FILE AN APPEAL WITH THE OFFICE WITHIN 30 CALENDAR DAYS OF RECEIPT OF A CUSTOMER ADVOCATE'S INVESTIGATIVE REPORT.

(2) THE APPEAL MUST BE FILED:

- (I) IN-PERSON, AT AN ADDRESS DESIGNATED BY THE DEPARTMENT;
- (II) ELECTRONICALLY, IN A FORMAT APPROVED BY THE DEPARTMENT; OR
- (III) BY FIRST-CLASS MAIL, POSTMARKED WITHIN 30 CALENDAR DAYS OF RECEIPT OF THE REPORT.

(B) *OFFICE TO PROMPTLY SCHEDULE HEARING.*

(1) WITHIN 30 DAYS OF THE FILING OF AN APPEAL, THE OFFICE SHALL:

- (I) PROMPTLY SCHEDULE AN IN-PERSON HEARING WITH AN APPEALS OFFICER; AND
- (II) NOTIFY THE DEPARTMENT, THE CUSTOMER, AND THE CUSTOMER ADVOCATE OF THE DATE, TIME, AND LOCATION OF THE HEARING.

(2) THE CUSTOMER MUST BE GIVEN AT LEAST 15 CALENDAR DAYS NOTICE OF THE HEARING'S DATE, TIME, AND LOCATION.

(C) *CUSTOMER'S PREROGATIVES.*

AT THE HEARING, THE CUSTOMER IS ENTITLED TO:

- (1) REPRESENT HIM- OR HERSELF OR BE REPRESENTED BY AN ATTORNEY;
- (2) PRESENT HIS OR HER CASE WITH EVIDENCE;
- (3) SUBMIT EVIDENCE IN REBUTTAL; AND
- (4) CONDUCT CROSS-EXAMINATION.

(D) *CUSTOMER ADVOCATE TO APPEAR AT HEARING.*

AT THE HEARING, THE CUSTOMER ADVOCATE SHALL APPEAR AND MAY BE QUESTIONED BY THE CUSTOMER, THE DEPARTMENT, AND THE APPEALS OFFICER.

(E) *CONDUCT OF HEARING.*

(1) TO FACILITATE THE RESOLUTION OF AN APPEAL, THE APPEALS OFFICER MAY:

- (I) ADMINISTER OATHS AND AFFIRMATIONS;
- (II) EXAMINE WITNESSES AND TAKE TESTIMONY;
- (III) ISSUE SUMMONSES AND SUBPOENAS, ESPECIALLY THOSE REQUESTED BY THE CUSTOMER OR THE DEPARTMENT AND RECEIVED BY THE APPEALS OFFICER AT LEAST 7 DAYS BEFORE THE HEARING;
- (IV) REQUEST INVESTIGATIVE REPORTS PREPARED BY THE CUSTOMER ADVOCATE AND ANY RELEVANT DEPARTMENT RECORDS OR INFORMATION;
- (V) REGULATE THE COURSE AND CONDUCT OF HEARINGS, WHICH SHALL BE CONDUCTED:

(A) INFORMALLY, IN A MANNER TO ASCERTAIN THE SUBSTANTIAL RIGHTS OF THE CUSTOMER AND THE DEPARTMENT; AND

(B) WITHOUT THE APPEALS OFFICER'S BEING BOUND BY COMMON LAW OR STATUTORY RULES AS TO THE ADMISSIBILITY OF EVIDENCE OR BY TECHNICAL RULES OF PROCEDURE;

(VI) CONSIDER WHETHER REPORTED METER READINGS ARE SO UNREASONABLY HIGH AS TO BE PRIMA FACIE EVIDENCE THAT THE METER IS INCORRECT;

(VII) HOLD CONFERENCES, BEFORE OR DURING A HEARING;

(VIII) RULE ON MOTIONS OR INFORMAL REQUESTS; AND

(IX) CONTINUE ANY HEARING AS DEEMED NECESSARY FOR THE EFFICIENT DISPOSITION OF THE MATTER.

(F) *APPEALS OFFICER'S DECISION.*

(1) AFTER THE HEARING HAS CONCLUDED, THE APPEALS OFFICER SHALL ISSUE A WRITTEN FINAL DECISION, INCLUDING A STATEMENT OF MATERIAL FACTS AND CONCLUSIONS OF LAW.

(2) THE DECISION:

(I) SHALL BE BASED ON CONSIDERATION OF THE ENTIRE RECORD;

(II) MAY INCLUDE THE FORMS OF RELIEF SPECIFIED IN § 2-20(C) {"OFFICE ... – CUSTOMER-ADVOCACY SERVICES: EXAMPLES OF POTENTIAL RELIEF"} OF THIS SUBTITLE; AND

(III) MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL- OR TENANT-WATER-UTILITY CUSTOMER.

(3) THE APPEALS OFFICER'S FINAL DECISION SHALL BE COMMUNICATED BY MAIL TO THE CUSTOMER NO LATER THAN 30 DAYS AFTER THE HEARING, UNLESS THE CUSTOMER AGREES IN WRITING TO A LONGER PERIOD.

(4) THE APPEALS OFFICER'S FINAL DECISION IS THE FINAL ADMINISTRATIVE DECISION OF THE CITY.

(G) *JUDICIAL AND APPELLATE REVIEW.*

(1) *JUDICIAL REVIEW.*

A CUSTOMER OR OTHER PARTY AGGRIEVED BY A FINAL DECISION UNDER THIS SECTION MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(2) *APPELLATE REVIEW.*

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

§ 2-22. OFFICE OF CUSTOMER ADVOCACY . . . – NO INTERRUPTION OF SERVICE OR RIGHTS PENDING REVIEWS, ETC.

(A) SERVICE CUT-OFF.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE DEPARTMENT MAY NOT CUT OFF WATER OR WASTEWATER SERVICE BECAUSE OF A DELINQUENCY OR ARREARAGE THAT IS THE SUBJECT OF A PENDING REQUEST, MADE IN GOOD FAITH, FOR OFFICE INVESTIGATION, REVIEW, OR APPEAL, OR FOR JUDICIAL OR APPELLATE REVIEW OF A BILLING DISPUTE.

(B) STAY OF WRIT OR WARRANT ON JUDGMENT.

IF A DELINQUENCY OR AN ARREARAGE SUBJECT TO A PENDING REQUEST, MADE IN GOOD FAITH, FOR OFFICE INVESTIGATION, REVIEW, OR APPEAL, OR FOR JUDICIAL OR APPELLATE REVIEW IS REDUCED TO JUDGMENT IN A CIVIL ACTION OR IN AN ACTION FOR POSSESSION, THE DEPARTMENT OF PUBLIC WORKS SHALL REQUEST THAT THE SHERIFF'S OFFICE NOT EXECUTE ANY WRIT OR WARRANT TO ENFORCE THE JUDGMENT UNTIL THE INVESTIGATION, REVIEW, OR APPEAL IS EXHAUSTED.

§ 2-23. OFFICE OF CUSTOMER ADVOCACY . . . – DISPUTED BILLS NOT CONSIDERED UNPAID.

WATER AND WASTEWATER CHARGES THAT ARE THE SUBJECT OF A PENDING OFFICE INVESTIGATION, REVIEW, OR APPEAL, OR PENDING JUDICIAL OR APPELLATE REVIEW, REQUESTED BY THE CUSTOMER IN GOOD FAITH:

- (1) MAY NOT BE CONSIDERED UNPAID OR IN ARREARS;
- (2) MAY NOT SERVE AS THE BASIS FOR A LIEN AGAINST THE PROPERTY; AND
- (3) STAY ANY PROSPECTIVE OR PENDING TAX SALE UNDER STATE TAX-PROPERTY ARTICLE § 14-849.1 AND § 14-811.

§ 2-24. OFFICE OF CUSTOMER ADVOCACY . . . – COMMITTEE FOR OFFICE OVERSIGHT.

(A) COMMITTEE ESTABLISHED.

THERE IS A COMMITTEE FOR OFFICE OVERSIGHT.

(B) COMPOSITION.

THE COMMITTEE COMPRISES THE FOLLOWING 7 MEMBERS:

- (1) THE INSPECTOR GENERAL OR THE INSPECTOR GENERAL'S DESIGNEE;
- (2) THE CITY AUDITOR OR THE CITY AUDITOR'S DESIGNEE;
- (3) THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE;
- (4) THE CITY COUNCIL PRESIDENT OR THE PRESIDENT'S DESIGNEE; AND
- (5) 3 CITY COUNCIL MEMBERS, APPOINTED BY THE CITY COUNCIL PRESIDENT.

(c) *OFFICERS.*

THE COMMITTEE:

- (1) SHALL ELECT ONE OF ITS MEMBERS TO SERVE AS THE CHAIR OF THE COMMITTEE;
AND
- (2) MAY ELECT FROM AMONG ITS MEMBERS ANY OTHER OFFICERS THAT THE COMMITTEE CONSIDERS NECESSARY OR APPROPRIATE.

(d) *MEETINGS, QUORUM, ETC.*

- (1) THE COMMITTEE SHALL MEET AT THE CALL OF THE CHAIR OR AT THE CALL OF A MAJORITY OF COMMITTEE MEMBERS, AS FREQUENTLY AS REQUIRED TO PERFORM ITS DUTIES.
- (2) 4 MEMBERS OF THE COMMITTEE CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.
- (3) AN AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS IS NEEDED FOR ANY OFFICIAL ACTION.
- (4) ALL MEETINGS OF THE COMMISSION MUST BE CONDUCTED IN ACCORDANCE WITH THE STATE OPEN MEETINGS ACT (STATE GENERAL PROVISIONS ARTICLE, TITLE 3).

(e) *OVERSIGHT DUTIES.*

THE COMMITTEE SHALL:

- (1) REVIEW AND EVALUATE THE ACTIVITIES AND OPERATIONS OF THE OFFICE, INCLUDING THE PERFORMANCE OF ITS CUSTOMER-ADVOCACY PROBLEM-SOLVING SERVICES AND ITS APPEALS FUNCTION;
- (2) PROVIDE ADVICE AND GUIDANCE TO THE OFFICE AND RECOMMEND NEW OR MODIFIED POLICIES AND PROCEDURES THAT THE COMMITTEE CONSIDERS NECESSARY OR APPROPRIATE FOR THE MORE EFFECTIVE OPERATION OF THE OFFICE; AND
- (3) TO THESE ENDS, HOLD AT LEAST 2 PUBLICLY ADVERTISED HEARINGS A YEAR AT WHICH:
 - (i) THE OFFICE ADMINISTRATOR SHALL APPEAR AND REPORT ON:
 - (A) THE STATUS OF OFFICE ACTIVITIES AND OPERATIONS; AND
 - (B) THE OFFICE'S RECOMMENDATIONS FOR CHANGES NECESSARY OR APPROPRIATE TO FURTHER PROMOTE FAIRNESS TO CUSTOMERS AND RESOLVING CUSTOMER CONCERNS; AND
 - (ii) THE PUBLIC MAY ATTEND AND TESTIFY ON THE EFFICACY OF THE OFFICE'S ACTIVITIES AND OPERATIONS AND ANY NEED FOR FURTHER MODIFICATIONS TO THESE ACTIVITIES AND OPERATIONS.

SUBTITLE 4. COLLECTION OF CHARGES

§ 4-2. Metered water charges and fire supply service inspection charges.

(a) *When due.*

Metered water charges and fire supply service inspection charges are due and payable when the bills for them have been rendered.

(b) *When delinquent.*

[Any] EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ANY metered water charges and fire supply service inspection charges unpaid 20 days after the issue date of the bill are considered delinquent, and all water service are subject to turn-off for nonpayment of those charges at any time.

(c) *Penalties.*

(1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:

- (i) [A] a penalty at the rate of 1.64% of the water charge and fire supply service inspection charge shall be added to every metered water charge and fire supply service inspection charge at the time they become delinquent[.];AND
- (ii) [(2) An] AN additional penalty of 1.64% shall be imposed on all charges, including accrued penalties, which remain unpaid and are forwarded as arrearages on subsequent bills.

(2) RECIPIENTS OF THE WATER-FOR-ALL DISCOUNT PROGRAM ARE NOT LIABLE FOR ANY PENALTIES IMPOSED UNDER THIS SUBSECTION WHILE ENROLLED IN THE PROGRAM.

§ 4-3. Cut-off for nonpayment.

(A) *IN GENERAL.*

SUBJECT TO SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, [The non-payment of any delinquent water charge against a property] AN ACCOUNT BALANCE OF \$250 OR MORE AND 2 BILLING CYCLES PAST DUE is sufficient reason for SENDING A CUT-OFF NOTICE FOR [terminating] all water service, even though other water charges against the property are not in arrears.

(B) *TIMING.*

(1) PRIOR TO ANY CUT-OFF FOR DELINQUENCY OF PAYMENT, THE DIRECTOR OF PUBLIC WORKS SHALL, AT LEAST 45 DAYS PRIOR TO THE EARLIEST DATE ON WHICH SERVICE WILL BE CUT-OFF, PROVIDE NOTICE AS REQUIRED BY SUBSECTION (D) OF THIS SECTION.

(2) CUT-OFFS MAY BE PERFORMED:

- (i) ONLY MONDAY THROUGH THURSDAY;
- (ii) ONLY WHEN NO HEAT OR COLD ADVISORY ISSUED BY THE CITY HEALTH DEPARTMENT IS IN EFFECT; AND

(iii) FOR RESIDENTIAL AND MULTI-UNIT LOCATIONS, ONLY FROM MARCH 1 THROUGH OCTOBER 31.

(3) THE DEPARTMENT MAY NOT CUT OFF WATER MORE THAN 90 CALENDAR DAYS AFTER THE CUT-OFF NOTICE, UNLESS IT HAS ISSUED A NEW CUT-OFF NOTICE IN THE MANNER REQUIRED BY SUBSECTION (D) OF THIS SECTION.

(C) *EXCEPTION FOR FIRE SERVICE.*

FIRE SERVICE MAY NOT BE CUT OFF FOR NONPAYMENT.

(D) *NOTICE.*

EACH NOTICE:

(1) SHALL BE SERVED BOTH BY CERTIFIED MAIL AND BY POSTING ON THE FRONT ENTRANCE TO THE CUSTOMER'S PREMISES; AND

(2) SHALL CLEARLY STATE:

(i) THE EARLIEST DATE ON WHICH SERVICE MAY BE CUT OFF;

(ii) THE REASONS FOR THE CUT-OFF;

(iii) THE ACTIONS THAT THE CUSTOMER MUST TAKE TO AVOID SERVICE CUT-OFF, INCLUDING THE TOTAL AMOUNT REQUIRED TO BE PAID AND THE DATE BY WHICH THAT PAYMENT MUST BE MADE;

(iv) THE ADDRESS AND TELEPHONE NUMBER OF A DEPARTMENT REPRESENTATIVE THAT THE CUSTOMER MAY CONTACT IN REFERENCE TO THE ACCOUNT;

(v) THE PROCEDURES SPECIFIED IN § 2-19 {"OFFICE ... - REQUEST FOR ASSISTANCE"} AND § 2-21 {"OFFICE ... - APPEALS"} OF THIS ARTICLE TO REQUEST OFFICE ASSISTANCE AND SUBSEQUENT APPEAL;

(vi) THE EXCEPTIONS SET FORTH IN SUBSECTIONS (C) AND (F) OF THIS SECTION;

(vii) THAT ANY PAYMENT MADE BY CHECK OR DRAFT THAT IS SUBSEQUENTLY DISHONORED DOES NOT CONSTITUTE PAYMENT AND WILL ENTITLE THE DEPARTMENT TO CUT OFF SERVICE WITHOUT FURTHER NOTICE;

(viii) A DESCRIPTION OF THE ACTIONS THAT THE CUSTOMER MUST TAKE TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT, AS SET FORTH IN § 4-5 {"INSTALLMENT PAYMENT AGREEMENT"} OF THIS SUBTITLE; AND

(ix) A DESCRIPTION OF THE WATER-FOR-ALL DISCOUNT PROGRAM AND THE ACTIONS THAT THE CUSTOMER MUST TAKE TO APPLY.

(E) *VERIFICATION.*

ON THE DAY THAT SERVICE WILL BE CUT-OFF, THE DIRECTOR SHALL VERIFY THAT THE CUSTOMER HAS NOT TAKEN ANY ACTION AND IS NOT OTHERWISE QUALIFIED UNDER SUBSECTIONS (C) AND (F) OF THIS SECTION TO AVOID SERVICE CUT-OFF.

(F) *NO CUT-OFF UNDER CERTAIN CONDITIONS.*

THE DEPARTMENT MAY NOT CUT OFF SERVICE IF, PRIOR TO THE TIME THAT CUT-OFF IS TO TAKE PLACE:

- (1) WITH RESPECT TO ANY CHARGES GIVING RISE TO THE CUT-OFF, THE CUSTOMER REQUESTS, IN GOOD FAITH, OFFICE ASSISTANCE UNDER § 2-19 {"OFFICE ... – REQUEST FOR ASSISTANCE"} OF THIS ARTICLE.
- (2) THE CUSTOMER PRODUCES A WRITTEN RECORD OF PAYMENT IN FULL OF ALL DELINQUENT CHARGES THAT GAVE RISE TO THE CUT-OFF NOTICE;
- (3) THE CUSTOMER PAYS THE FULL AMOUNT DEMANDED IN THE CUT-OFF NOTICE;
- (4) THE CUSTOMER OFFERS TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT, IN ACCORDANCE WITH § 4-5 {"INSTALLMENT PAYMENT AGREEMENT"} OF THIS SUBTITLE AND, WITHIN 3 DAYS, EXECUTES THE AGREEMENT AND PAYS THE DOWN PAYMENT OR INITIAL INSTALLMENT;
- (5) THE CUSTOMER HAS SUBMITTED AN APPLICATION FOR THE WATER-FOR-ALL DISCOUNT PROGRAM AND A DETERMINATION OF ELIGIBILITY IS PENDING;
- (6) THE CUSTOMER INDICATES THAT THE CUSTOMER HAS A SIGNIFICANT MEDICAL CONDITION, AS CERTIFIED IN WRITING BY A LICENSED MEDICAL DOCTOR, NURSE PRACTITIONER, PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY DEPARTMENT OF HEALTH, INDICATING THAT THE ABSENCE OF WATER SERVICE AT THE SUBJECT RESIDENTIAL PREMISES WILL AGGRAVATE THE EXISTING SIGNIFICANT MEDICAL CONDITION;
- (7) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER IS 62 YEARS OLD OR OLDER, UNDER 18 YEARS OLD, OR HAS AN INFANT HUMAN BEING NOT MORE THAN 6 MONTHS OLD IN RESIDENCE AT THE PREMISES;
- (8) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER HAS CENTRAL VISION ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH THE USE OF A CORRECTING LENS, HAS AT LEAST ONE EYE WITH A LIMITATION IN THE FIELDS OF VISION SUCH THAT WIDEST DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20 DEGREES, AS CERTIFIED IN WRITING BY A LICENSED MEDICAL DOCTOR, NURSE PRACTITIONER, PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY DEPARTMENT OF HEALTH;
- (9) THE CUSTOMER PROVIDES VERIFIABLE DOCUMENTATION THAT THE CUSTOMER HAS A PHYSICAL, MENTAL, OR MEDICAL IMPAIRMENT RESULTING FROM ANATOMICAL, PHYSIOLOGICAL, OR NEUROLOGICAL CONDITIONS THAT PREVENTS THE EXERCISE OF A NORMAL BODILY FUNCTION OR THAT RENDERS THE CUSTOMER UNABLE TO MANAGE HIS OR HER OWN RESOURCES OR TO PROTECT HIMSELF OR HERSELF FROM NEGLIGENCE OR HAZARDOUS SITUATIONS WITHOUT THE ASSISTANCE OF OTHERS, AS CERTIFIED IN WRITING BY A LICENSED MEDICAL DOCTOR, NURSE PRACTITIONER, PHYSICIAN ASSISTANT, OR THE BALTIMORE CITY DEPARTMENT OF HEALTH;

(10) THE PROPERTY WHERE SERVICE IS TO BE CUT OFF IS IN BANKRUPTCY PROCEEDINGS; OR

(11) THE PROPERTY WHERE SERVICE IS TO BE CUT OFF IS IN TAX LIEN CERTIFICATE SALE.

§ 4-5. [Payment schedule] INSTALLMENT PAYMENT AGREEMENT.

(a) *OFFER; Effect of compliance.*

[If a person responsible for paying a water bill enters into a payment agreement acceptable to the Director of Public Works, then while the person is making timely payments in accord with the agreed schedule:

(1) the penalty imposed under § 4-2(c) {"Metered water charges: Penalties"} of this subtitle does not accrue; and

(2) service that has been turned off may be restored.]

(1) THE DIRECTOR SHALL OFFER AN INSTALLMENT PAYMENT AGREEMENT TO EACH CUSTOMER WHO HAS BEEN ISSUED A CUT-OFF NOTICE.

(2) EXECUTION OF AN INSTALLMENT PAYMENT AGREEMENT ACCEPTABLE TO THE DIRECTOR WILL ENABLE THE CUSTOMER TO:

(i) AVOID SERVICE CUT-OFF;

(ii) AVOID ACCRUAL OF THE PENALTIES IMPOSED UNDER § 4-2(C) {"METERED WATER CHARGES: PENALTIES"} OF THIS SUBTITLE; AND

(iii) ENABLE SERVICE THAT HAS BEEN TURNED OFF TO BE RESTORED, PROVIDED THAT THE CUSTOMER REMAINS IN COMPLIANCE WITH THE AGREEMENT.

(b) *Effect of breach.*

If payment is missed and the payment agreement declared to be breached, THE SUSPENDED PENALTIES SHALL BE REINSTATED AND all subsequent penalties shall continue to accrue.

(c) *NOTICE.*

EACH OFFER OF AN INSTALLMENT PAYMENT AGREEMENT MUST:

(1) INFORM THE CUSTOMER OF THE AVAILABILITY OF AN AGREEMENT;

(2) STATE THE MINIMUM TERMS OF THE AGREEMENT THAT WOULD BE ACCEPTABLE TO THE DIRECTOR;

(3) EXPLAIN ANY ALTERNATE TERMS THAT MAY BE AVAILABLE;

(4) STATE THE DATE BY WHICH THE CUSTOMER MUST CONTACT THE DEPARTMENT AND EXECUTE AN AGREEMENT IN ORDER TO AVOID SERVICE CUT-OFF;

- (5) INDICATE THE NAME AND TELEPHONE NUMBER OF A DEPARTMENT REPRESENTATIVE THAT THE CUSTOMER MAY CALL TO DISCUSS AN AGREEMENT; AND
- (6) STATE WHAT ACTION THE DEPARTMENT WILL TAKE IF AN INSTALLMENT PAYMENT AGREEMENT IS NOT EXECUTED AND RETURNED BY ITS DUE DATE.

(D) *TERMS OF AGREEMENT.*

AN INSTALLMENT PAYMENT AGREEMENT SHALL SET FORTH:

- (1) THE TOTAL AMOUNT AND DATES OF THE DELINQUENT CHARGES COVERED BY THE AGREEMENT;
- (2) THE TIME PERIOD OVER WHICH THE TOTAL AMOUNT SHALL BE PAID;
- (3) THE NUMBER, DUE DATE, AND AMOUNT OF EACH PERIODIC PAYMENT DUE UNDER THE AGREEMENT;
- (4) THE AMOUNT OF THE REQUIRED DOWN PAYMENT OR INITIAL INSTALLMENT DUE ON THE CUSTOMER'S EXECUTION OF THE AGREEMENT, WHICH MAY NOT EXCEED 25% OF THE TOTAL AMOUNT COVERED BY THE AGREEMENT; AND
- (5) THE INTEREST RATE TO BE CHARGED ON THE UNPAID BALANCE UNDER THE AGREEMENT, WHICH SHALL BE EQUAL TO THE INTEREST RATE THEN BEING CHARGED BY THE CITY FOR UNPAID REAL ESTATE TAXES ON A PROPERTY WHERE THE ANNUAL REAL ESTATE TAXES ARE \$2,750 OR LESS.

(E) *NOTICE OF INSTALLMENT PAYMENTS DUE.*

THE DEPARTMENT SHALL MAIL TO THE CUSTOMER 30 DAYS' NOTICE OF EACH INSTALLMENT PAYMENT DUE.

Article 28. Taxes

Subtitle 8. Tax Sales

§ 8-1. Interest rate on redemptions from tax sales.

Pursuant to the authorization contained in State Tax-Property Article §14-820(b)(3), the interest rate applicable to redemptions of property from tax sales in Baltimore City is:

- (1) [12%] 5% a year for any residential real property that, as of January 1 immediately preceding the tax sale, was designated by the State Department of Assessments and Taxation as the owner's principal residence in accordance with the criteria governing the State Homestead Tax Credit; and
- (2) 18% a year for all other property.

§ 8-4. LIMITATION ON TAX SALES.

INSOFAR AS PERMITTED UNDER THE STATE TAX-PROPERTY ARTICLE, THE DIRECTOR OF FINANCE MAY NOT SELL REAL PROPERTY TO ENFORCE A LIEN FOR UNPAID WATER OR WASTEWATER CHARGES, FEES, OR ASSESSMENTS.

Article 8. Ethics

Subtitle 7. Financial Disclosure

§ 7-8. Persons required to file – Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:

....

(44) WATER-CUSTOMER, ADVOCACY AND APPEALS, OFFICE OF

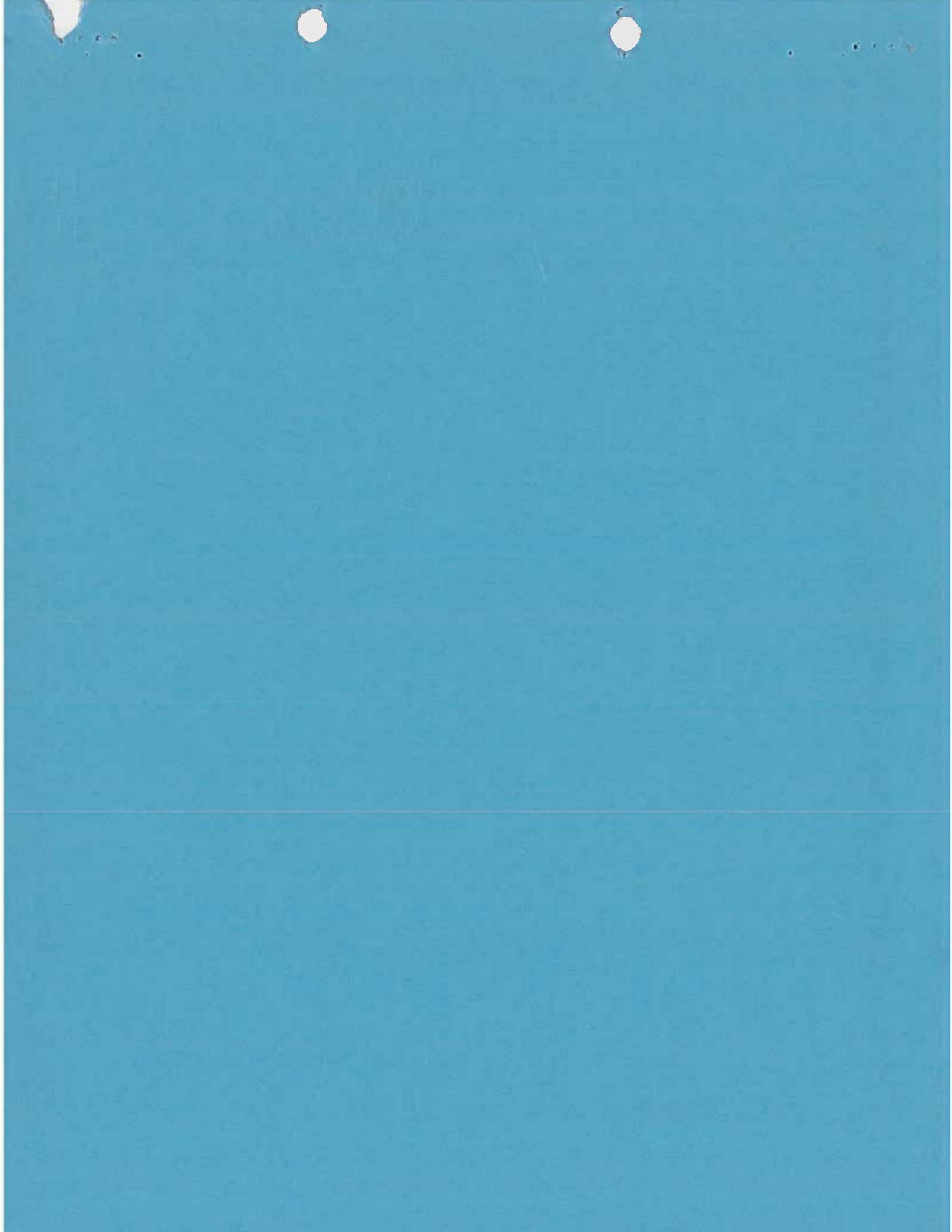
- (I) OFFICE ADMINISTRATOR.**
- (II) ALL CUSTOMER ADVOCATES.**
- (III) ALL APPEALS OFFICERS.**
- (IV) ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE OFFICE.**

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That all provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of a provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SECTION 4. AND BE IT FURTHER ORDAINED, That the amendments made by this Ordinance to provisions of City Code Article 28, Subtitle 8 {"Tax Sales"} take effect on the date this Ordinance is enacted.

SECTION 5. AND BE IT FURTHER ORDAINED, That, except as provided by Section 4 of this Ordinance, this Ordinance takes effect 6 months after the date it is enacted.



ACTION BY THE CITY COUNCIL

DEC 03 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ May 6 _____ 20 19

COMMITTEE REPORT AS OF _____ September 26 _____ 20 19

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

[Signature]
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

OCT 28 2019

_____ 20 _____

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ NOV 04 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ NOV 18 2019

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development

Chairperson: Sharon Green-Middleton

Date: September 26, 2019

Time: 10:00 a.m.

Place: Clarence "Du" Burns Chambers

Subject: Water Accountability and Equity Act

CC Bill Number: 18-0307

PLEASE PRINT

**T H E R E W I L L B E N O P U B L I C T E S T I M O N Y D U R I N G T H I S
W O R K S E S S I O N .**

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoebmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
mark	Lannon		507 Oakland ave	21212	marklannon51@gmail.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pam	Ellis		25 E 20th St	21218	dellis@alshabaltimore.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don	Evans		4301 Traceswood Ave	21215	cease59@gmail.com	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kenn	Wickelbe	1104	HOPP, 201 N. Charles	21201	kwickelbe@prpne.org	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development

Chairperson: Sharon Green-Middleton

Date: September 26, 2019

Time: 10:00 a.m.

Place: Clarence "Du" Burns Chambers

Subject: Water Accountability and Equity Act

CC Bill Number: 18-0307

PLEASE PRINT

**T H E R E W I L L B E N O P U B L I C T E S T I M O N Y D U R I N G T H I S
W O R K S E S S I O N .**

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY (*)
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	✓	✓	✓	✓		
Jaine	Lee		1420 N. Charles	21210	jlee@ubalt.edu	✓					
Alexandria	Campbell-Ferrari		CWSSC	21206	acampbellferrari@cwsscsociety.org					Neutral	
Lucie	Wilson		CWSSC	"	lwilson@cwsscsociety.org						
Elyaine	Cook		119 S. Calington	21223	emcook@aol.com	✓					n/a
Rebecca	Reckel										
Kianna	Eckel	28	3121 St Paul St	21218	reckel@farmsteh.org	✓					
Rebecca	Morris	28	2801 N Calvert	21218	rmorris@fwm10ca1.org	✓					
Emily	Per		520 W Fayette St	21210	eper@proband.org	✓					N/A
Amy	Herman		201 N. Charles St	21201	aherman@amulsley.org	✓					
Joseph	McGee		3933 Fessenden	21211	jmcgee@gmail.com	✓					

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**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development

Chairperson: Sharon Green-Middleton

Date: September 26, 2019

Time: 10:00 a.m.

Place: Clarence "Du" Burns Chambers

Subject: Water Accountability and Equity Act

CC Bill Number: 18-0307

PLEASE PRINT

T H E R E W I L L B E N O P U B L I C T E S T I M O N Y D U R I N G T H I S W O R K S E S S I O N .

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoebmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mary	Grant		Frederick St. 4332	21210	marygrant@frederick.org	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael	Henr		Pro Bang Avenue Banker	2124	wherind@probangbank.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tanya	DFZ		1416 BAYSON	21247	tanya.ditzel@hca.edu	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MARLE	MARTIN		1416 130th ST	21217	martinm@130th.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MARLE	SCHWITZ		PRO BANG	21204	MARLE@PROBANG.COM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reba	Hawkins		The People For Reba Hawkins	21212	reba.hawkins@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Randy	Shaw		21212	21212	shaw@21212.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Randy	SULLIVAN		21214	21214	esullivan@wpr.org	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DAVISA	HARTFIELD		HPP/P/JOHN Charles	21202	chathfield@happ.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development Chairperson: Sharon Green - Middleton
 Date: May 16, 2019 Time: 5:00 P.M. Place: Clarence "Du" Burns Council Chambers
 Subject: Water Accountability and Equity Act CC Bill Number: 8-0307

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoebmore@yahoo.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patricia	Truex	1336	Lafayette	21217	godiean@gmail.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carol	Love		Jons unino for stube		karl.creases PLUS1@GMAIL		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAUK	GREENBERG		247 S Roubin Blvd	21202			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MARY	WASHINGTON		ON FILE				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marta	Zeimer	307	Bretney St. JUES		Wzeimer@gmail.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Amish	Amish			21215			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Limy	Morand		3241 S. Baldwin St.	21224			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allyson	Butter		5009 PRODOMER RD	21212			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sharon	Johnson		1817 S. Orange Ave	21209	okbars@yahoo.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sharon	Green						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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MJSFS



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development

Chairperson: Sharon Green - Middleton

Date: May 16, 2019

Time: 5:00 p.m.

Place: Clarence "Du" Burns Council Chambers

Subject: Water Accountability and Equity Act

CC Bill Number: 18-0307

PLEASE PRINT

DO YOU WANT TO TESTIFY? PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY?
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com		FOR <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/>
Mark	Tanner		4005 Left Rowan	21218	wygame3@yahoo.com		AGAINST <input checked="" type="checkbox"/>	NO <input checked="" type="checkbox"/>
WELISSA	WMS				tapetage@gmail.com		FOR <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/>
Genia	DeNT				Soldier @ the Real News.com		FOR <input checked="" type="checkbox"/>	NO <input checked="" type="checkbox"/>

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**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Legation, Finance and Economic Development Chairperson: Sharon Green - Middleton

Date: May 16, 2019 Time: 5:00 p.m. Place: Clarence "Du" Burns Council Chambers

Subject: Water Accountability and Equity Act CC Bill Number: 18-0307

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoebmore@yahoo.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rianna	Lloyd		2221 Maryland Ave / Jews United for Justice	21218	rianna@jufj.org		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
RAAT	COTTON	6106	WESTCREEK PRIVER	21209	artcl2h@a1th@ yahoo.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Theresa	Sones	3234	Brendan Ave	21213	TMAS18@yahoo.com		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judith	Emm' Moore		1427 N. Linwood Ave	21213	Judith Moore@Baltimore.org		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development Chairperson: Sharon Green - Middleton
 Date: May 16, 2019 Time: 5:00 P.M. Place: Clarence "Du" Burns Council Chambers
 Subject: Water Accountability and Equity Act CC Bill Number: 18-0367

PLEASE PRINT

IF YOU HAVE TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY?
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Franz	Schneiderman				Franzschneiderman.com		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Lisa	Firnberg	338	Broadmor Rd	21212			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Glenn	Love			21209	glenn@comcast.net		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Sharmayne	Schmords	5401	Grindon AVE	21214	Bgrammy@aol.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Nicole	Leistman	1307	Park Ave	21217	leistman@hotmail.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Ethan	Hasink	208	Jeff Jeff	21202	ethanhasink@gmail.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Marilyn	Carlisle	1238	Rumboldt Rd	21244			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Natasha	Kabon Santana		JEFF	21202	Fasha. link@gmail.com		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Allyce	Kelly		Jury	21212	Allyce@jury.org		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
John M	Brown			411	JohnM31@gmail.com		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

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**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development Chairperson: Sharon Green - Middleton
 Date: May 16, 2019 Time: 5:00 P.M. Place: Clarence "Du" Burns Council Chambers
 Subject: Water Accountability and Equity Act CC Bill Number: 18-0307

PLEASE PRINT

IF YOU HAVEN'T TESTIFIED PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doce	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANDRE SPRETTES	Keller	6020	Rock Raven Blvd	21239	A.SPRETTES@VERIZON.NET	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jessie	Keller	11155	Dalwood Blvd, Suite 200	21117	jessie@mmmmmm.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ran	Seiwasser	3950	Clawson Hill	21218	ranseiwasser@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alicia	Bushling	3201	Westwood	21218	bushlingand@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Mart	Mart	3	Greenatic Cir	21117	Harry Mart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cheryl Hinderes	Hinderes	4200	Elsrode Ave.	21244	chevalh9@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stanne	Dresser	1823	Baldwin St	21231		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kerni	WIST	1322	Hurd St.	21230	wizkerni@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lena	Mobley	730	Burkitt Ave	21212	LMobley774@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Taxation, Finance and Economic Development

Chairperson: Sharon Green - Middleton

Date: May 16, 2019

Time: 5:00 P.M.

Place: Clarence "Du" Burns Council Chambers

Subject: Water Accountability and Equity Act

CC Bill Number: 18-0307

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doc	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ken	TenTender	5519	Bellevue	21207	KenTender@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Melisse	Willens	1024	Wynor Road	21212		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Taxation, Finance and Economic Development Chairperson: Sharon Green - Middleton

Date: May 16, 2019 Time: 5:00 P.M. Place: Clarence "Du" Burns Council Chambers

Subject: Water Accountability and Equity Act CC Bill Number: 18-0307

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	St. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoebmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Gary</u>	<u>Nelson</u>	<u>1636</u>	<u>Gwynns Falls Pkwy</u>	<u>21217</u>	XXXXXXXXXXXX@XXXXXX.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Kevin</u>	<u>Gustan</u>	<u>10</u>	<u>TACOCO LAWN</u>	<u>21286</u>	XXXXXXXXXXXX@XXXXXX.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>FR. TY</u>	<u>HUWNER</u>	<u>4414</u>	<u>FRANKFORD AVE</u>	<u>21206</u>	<u>THUWLN@GMAIL.COM</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Betsy</u>	<u>Simon</u>	<u>3501</u>	<u>Canterbury Rd</u>	<u>21218</u>	<u>zhaybsimon2009</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Taxation, Finance and Economic Development Chairperson: Sharon Green - Middleton
 Date: May 16, 2019 Time: 5:00 P.M. Place: Clarence "Du" Burns Council Chambers
 Subject: Water Accountability and Equity Act CC Bill Number: 18-0307

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doc	100	North Charles Street	21202	Johndoebmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maryanne Brennan	Brennan		417 E Fayette	21202	maryanne.brennan@baltimorech.s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Campbell	Stimpell		1307 Park Ave	21217	Jimcampbell552@comcast	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nicole	Leistikow	1307	Park Ave	21217	leistikow@hotmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kobi	Little		NACCP		rev.kobi.little@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia	Turner	1336	Lafayette	21217	gale@cityofbaltimore.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyan	Turner	218	N. Charles St.	21201	sptherr@geyland.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development

Chairperson: Sharon Green - Middleton

Date: May 16, 2019

Time: 5:00 P.M.

Place: Clarence "Du" Burns Council Chambers

CC Bill Number: 18-0307

Subject: Water Accountability and Equity Act

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doc	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Molly	Amster		3933 Kimbale	21218		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mary	Grant		344 Whitridge Ave	21218	mgrant@Fwwatch.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mary	Hughes					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jim	Campbell					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rev. Kobi	Little					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Michael	Fish		108 S. PATRICK RACK AVE.			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Madeline	Becker					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Neale	Leistikow		1307 Park Avenue	21217		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sarah	Matthews		361 Wellerchens St	21217		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: _____ Chairperson: _____

Date: _____ Time: _____ Place: Clarence "Du" Burns Council Chambers

Subject: _____ CC Bill Number: _____

PLEASE PRINT

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FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doc	100	North Charles Street	21202	John.doc@baltimore.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary	Washington		Introducing the Bill			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary	Grant					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Komal	Vaidya					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zafar	Shah					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kimberly	Armstrong					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amy	Hennen		The Problem			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reverend Alvin	Bwynn					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsetta	Young					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Racem	Wabeke					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Taxation, Finance and Economic Development Chairperson: Sharon Green-Middleton
 Date: July 25, 2019 Time: 10:10 am Place: Clarence "Du" Burns Council Chambers
 Subject: Water Accountability and Equity Act CC Bill Number: 18-0307

PLEASE PRINT

T H E R E W I L L B E N O P U B L I C T E S T I M O N Y



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Melanie	Babb		MVLS	21201		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Katy	Byrne		DHCD			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maggie	Gratz				Maggie@Thiru2020.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Melissa	Hopkins		CWSC			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John	Hopkins					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juliana	Felkoski					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRINNA	Wiley					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kelly	Murphy					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karen	Wobelle			21201		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karla	Gaer		HPRP			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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