

Castello

Introduced by: Councilmember Clarke

Bullock, Miller, Harry, Schlexer

Prepared by: Department of Legislative Reference

Date: July 12, 2017

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

*Pinkett
North
Burnett
Cohen
Stokes
Dorsey
Steed
~~Schlexer~~
Feinberg
Young*

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

CITY COUNCIL 17-0098

WITHDRAWN

A BILL ENTITLED

[Signature]

AN ORDINANCE concerning

Water Bills – Restoring Informal Conferences

FOR the purpose of requiring the Director of Public Works to provide informal conferences to certain customers seeking an abatement of water charges before water service is cut-off for nonpayment, or other actions are taken to collect on delinquent water accounts; clarifying and conforming related provisions; and generally relating to City water billing.

By repealing, and reordaining with amendments

Article 24 - Water
Section(s) 2-2
Baltimore City Code
(Edition 2000)

[Multiple signatures and initials, including Robert Stokes, John, and C-T. Art]

[Signature]
Edwitt Benson

No. _____

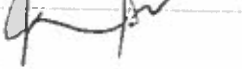

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input checked="" type="checkbox"/> Department of Public Works	<input type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input 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 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 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 type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<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

<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input type="checkbox"/> Commission on Sustainability	<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: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

FROM	NAME & TITLE	Janice Simmons, Chief 	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of Revenue Collections 200 Holliday Street Room 7 (410) 396-3961		
	SUBJECT	City Council Bill # 17-0098 - Water Bills – Restoring Informal Conferences		

TO

DATE

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

July 28, 2017

Attention: Natawna Austin

City Council Bill # 17-0098, "Water Bills – Restoring Informal Conferences," would require the Director of Public Works to provide informal conferences before a neutral party for certain customers seeking abatements of water charges. A "residential owner-occupied customer" or authorized tenant, under certain circumstances, seeking such a conference must be granted a conference before the Director may "cut off service for non-payment (or) ... take any other formal action to collect on a delinquent account."

The bill does not specifically mention the Department of Finance and we defer to the Department of Public Works as to the efficacy and details of the bill. However, to the extent that "other formal action to collect" delinquent water charges may be construed to include the City's annual tax sale process, we have several comments.

The State-mandated tax sale process begins in February of each year with the issuance of Final Bills and Legal Notices ("FBLNs") by the Department of Finance. Water charges are liens on real property and are included in the FBLNs. While the City routinely mails about 40,000 FBLNs to delinquent property owners in February, the tax sale in May typically has only about 10,000 properties. Between February and May, the City provides additional notices in March and April in several forms and customers make payments, resulting in the reduction of properties in tax sale.

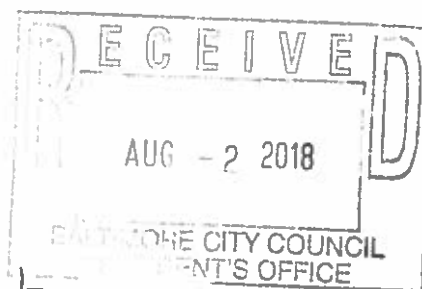
If the bill is construed to prevent certain unpaid water charges from being added to the FBLNs, then those customers will not receive the notices and will not be eligible for tax sale. Consequently, the City may lose revenue or the receipt of revenue will be delayed.

We recommend that the bill be amended to exempt tax sales and to ensure that customers receive all the notices necessary for tax sale.

cc: Henry Raymond
Kyron Banks

*Defers
to
DPW
with*

comments



**CITY OF BALTIMORE
COUNCIL BILL 17-0098
(First Reader)**

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

Introduced and read first time: July 17, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of
Public Works

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Water Bills – Restoring Informal Conferences**

3 FOR the purpose of requiring the Director of Public Works to provide informal conferences to
4 certain customers seeking an abatement of water charges before water service is cut-off for
5 nonpayment, or other actions are taken to collect on delinquent water accounts; clarifying and
6 conforming related provisions; and generally relating to City water billing.

7 BY repealing, and reordaining with amendments

8 Article 24 - Water

9 Section(s) 2-2

10 Baltimore City Code

11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 24. Water**

16 **Subtitle 2. Bills**

17 **§ 2-2. Abatements.**

18 (a) *Director may abate.*

19 The Director of Public Works [shall have full power and authority to] MAY abate any
20 charge for water made against any property, whether the [same be] CHARGE WAS made by
21 meter, fixed charge, or otherwise, whenever the Director [in his discretion may], for any
22 cause, [deem such] DEEMS AN abatement proper and advisable.

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

Council Bill 17-0098

1 (b) *Scope.*

2 [Said] AN abatement UNDER THIS SECTION may, in the discretion of the Director of Public
3 Works, be of the whole or any part of the charge [so made], and [upon such] ON ANY
4 terms and conditions [as] SET BY the Director [may deem advisable and may prescribe].

5 (c) *INFORMAL CONFERENCE.*

6 (1) ANY PERSON SEEKING AN ABATEMENT UNDER THIS SECTION MAY REQUEST AN
7 INFORMAL CONFERENCE WITH A NEUTRAL PARTY TO DISCUSS THE REASONS WHY THEY
8 BELIEVE AN ABATEMENT SHOULD BE GRANTED.

9 (2) A RESIDENTIAL OWNER-OCCUPIED CUSTOMER, OR RESIDENTIAL TENANT AUTHORIZED
10 BY THE OWNER TO BE ADDED TO THE ACCOUNT FOR THE TENANT'S RESIDENCE,
11 REQUESTING AN INFORMAL CONFERENCE UNDER THIS SUBSECTION WHO HAS NOT HAD
12 A CONFERENCE IN THE PREVIOUS 365 DAYS MUST BE GRANTED A CONFERENCE BEFORE
13 THE DIRECTOR MAY:

14 (i) CUT OFF SERVICE FOR NON-PAYMENT; OR

15 (ii) TAKE ANY OTHER FORMAL ACTION TO COLLECT ON A DELINQUENT ACCOUNT.

16 (3) CONFERENCES UNDER THIS SUBSECTION MUST BE PROVIDED TO CUSTOMERS WITHOUT
17 CHARGE.

18 (4) AT THE CONCLUSION OF THE CONFERENCE, THE NEUTRAL PARTY MUST MAKE A
19 VERBAL RECOMMENDATION TO THE REQUESTOR REGARDING WHETHER AN
20 ABATEMENT SHOULD BE GRANTED AND, IF SO, THE AMOUNT OF ANY RECOMMENDED
21 ABATEMENT. THIS RECOMMENDATION MUST THEN BE PRESENTED TO THE DIRECTOR
22 OF PUBLIC WORKS.

23 (5) WITHIN 30 DAYS OF THE CONFERENCE, THE DIRECTOR OF PUBLIC WORKS MUST
24 PROVIDE A WRITTEN NOTIFICATION TO THE CUSTOMER WHO ATTENDED THE
25 CONFERENCE ABOUT WHAT, IF ANY, ABATEMENT HAS BEEN GRANTED.

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

29 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
30 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Clarke

A BILL ENTITLED

AN ORDINANCE concerning

Water Bills – Restoring Informal Conferences

FOR the purpose of requiring the Director of Public Works to provide informal conferences to certain customers seeking an abatement of water charges before water service is cut-off for nonpayment, or other actions are taken to collect on delinquent water accounts; clarifying and conforming related provisions; and generally relating to City water billing.

BY repealing, and reordaining with amendments

Article 24 - Water
Section(s) 2-2
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 24. Water

Subtitle 2. Bills

§ 2-2. Abatements.

(a) *Director may abate.*

The Director of Public Works [shall have full power and authority to] MAY abate any charge for water made against any property, whether the [same be] CHARGE WAS made by meter, fixed charge, or otherwise, whenever the Director [in his discretion may], for any cause, [deem such] DEEMS AN abatement proper and advisable.

(b) *Scope.*

[Said] AN abatement UNDER THIS SECTION may, in the discretion of the Director of Public

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.

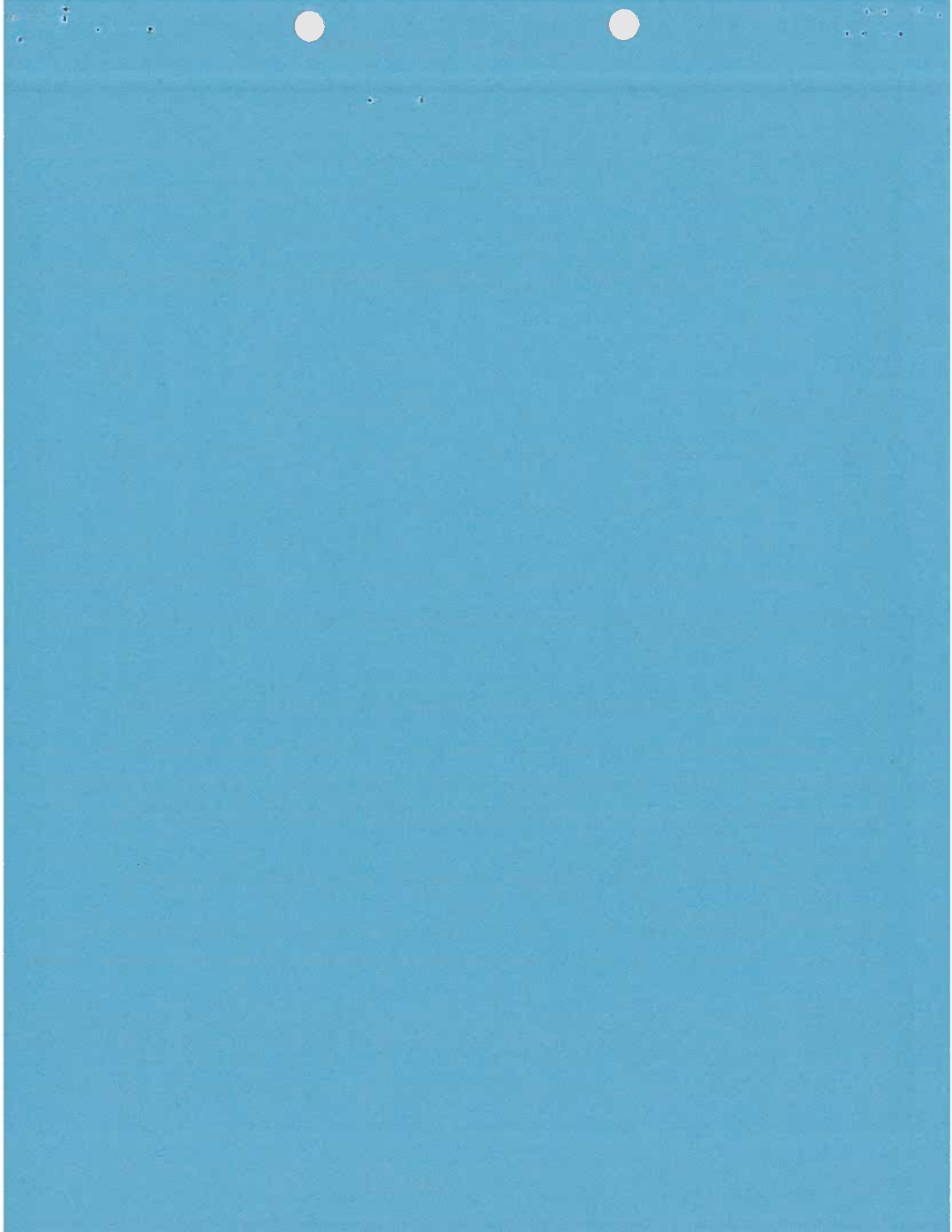
Works, be of the whole or any part of the charge [so made], and [upon such] ON ANY terms and conditions [as] SET BY the Director [may deem advisable and may prescribe].

(C) *INFORMAL CONFERENCE.*

- (1) ANY PERSON SEEKING AN ABATEMENT UNDER THIS SECTION MAY REQUEST AN INFORMAL CONFERENCE WITH A NEUTRAL PARTY TO DISCUSS THE REASONS WHY THEY BELIEVE AN ABATEMENT SHOULD BE GRANTED .
- (2) A RESIDENTIAL OWNER-OCCUPIED CUSTOMER , OR RESIDENTIAL TENANT AUTHORIZED BY THE OWNER TO BE ADDED TO THE ACCOUNT FOR THE TENANT 'S RESIDENCE, REQUESTING AN INFORMAL CONFERENCE UNDER THIS SUBSECTION WHO HAS NOT HAD A CONFERENCE IN THE PREVIOUS 365 DAYS MUST BE GRANTED A CONFERENCE BEFORE THE DIRECTOR MAY:
 - (I) CUT OFF SERVICE FOR NON-PAYMENT; OR
 - (II) TAKE ANY OTHER FORMAL ACTION TO COLLECT ON A DELINQUENT ACCOUNT .
- (3) CONFERENCES UNDER THIS SUBSECTION MUST BE PROVIDED TO CUSTOMERS WITHOUT CHARGE.
- (4) AT THE CONCLUSION OF THE CONFERENCE , THE NEUTRAL PARTY MUST MAKE A VERBAL RECOMMENDATION TO THE REQUESTOR REGARDING WHETHER AN ABATEMENT SHOULD BE GRANTED AND , IF SO, THE AMOUNT OF ANY RECOMMENDED ABATEMENT . THIS RECOMMENDATION MUST THEN BE PRESENTED TO THE DIRECTOR OF PUBLIC WORKS.
- (5) WITHIN 30 DAYS OF THE CONFERENCE , THE DIRECTOR OF PUBLIC WORKS MUST PROVIDE A WRITTEN NOTIFICATION TO THE CUSTOMER WHO ATTENDED THE CONFERENCE ABOUT WHAT , IF ANY, ABATEMENT HAS BEEN GRANTED .

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 this Ordinance takes effect on the 30th day after the date it is enacted.



ACTION BY THE CITY COUNCIL

JUL 17 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

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:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ 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