

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0307**

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.

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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:

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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 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.

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.

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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:

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- 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.

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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.

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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}**

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

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

- (1) ~~THE DIRECTOR~~ THE DPW DIRECTOR AND THE FINANCE 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~~ INFORMING CUSTOMERS OF PROGRAM.

~~THE DIRECTOR~~ THE DPW DIRECTOR OR FINANCE DIRECTOR, AS THE CASE MAY BE, 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;

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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 MIDDYEAR 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.

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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

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

30 WHERE

31 C = THE WATER-FOR-ALL CREDIT.

32 B = EITHER:

33 (i) 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

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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".

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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.

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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;

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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 (I) THE RECIPIENT’S PAYMENT OF THOSE UNPAID BILLS; OR

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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.

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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

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1 NOTICES SHOULD BE IN OTHER LANGUAGES, ENSURING THAT CUSTOMERS
2 RECEIVE TIMELY AND COMPLETE NOTICE OF PAYMENTS DUE, AND
3 ENSURING THAT CUSTOMERS 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.

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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;

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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 ARTICLE, A CUSTOMER
32 ADVOCATE MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL-
33 OR TENANT-WATER-UTILITY CUSTOMER.

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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.

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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.

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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.

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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.

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(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.

~~(1) 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 CIRCUIT 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.~~

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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:

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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

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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:

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- 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;

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- 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 ACUITY 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:

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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 ACCRUAL 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:

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- 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.

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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.

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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 a 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.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City