



City of Baltimore

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

Legislation Text

File #: 18-0307, **Version:** 0

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.

Introductory*

City of Baltimore Council Bill

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)

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:

- (i) 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 customer 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 costumers receive timely and complete notice of payments due, and ensuring that constumers 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 Councilmembers, 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 neglect 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.