

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

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

Introduced and read first time: December 3, 2018

Assigned to: Taxation, Finance and Economic Development Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Water Accountability and Equity Act**

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

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

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

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

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

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

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

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

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

33 **Baltimore City Code**

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

35 **Subtitle 7. Residential Lease Requirements**

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§ 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.

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1 (F) *DIRECTOR; DPW DIRECTOR.*

2 “DIRECTOR” OR “DPW DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF
3 PUBLIC WORKS OR THE DIRECTOR’S DESIGNEE.

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

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

8 (H) *HOUSEHOLD.*

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

12 (I) *INCLUDES; INCLUDING.*

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

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

16 “Person” means:

17 (1) an individual;

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

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

22 (K) *RECIPIENT.*

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

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

26 “RESIDENTIAL-WATER-UTILITY CUSTOMER” MEANS A CUSTOMER:

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

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

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

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1 (M) *TENANT.*

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

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

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

9 (O) *UNUSED CREDIT.*

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

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

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

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

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

21 **Subtitle 2. Bills**

22 **§ 2-1. Collection.**

23 (a) *Finance to collect.*

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

26 (b) *When due.*

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

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

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

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

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

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

6 (2) EITHER:

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

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

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

12 (a) *Property owners responsible.*

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

14 (b) *Arrearages.*

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

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

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

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

27 (c) *Charge to restore service.*

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

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

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

3 (d) *Unauthorized use.*

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

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

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

10 **§ 2-4. {RESERVED}**

11 **§ 2-5. {RESERVED}**

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

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

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

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

19 (B) *ELIGIBILITY CRITERIA.*

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

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

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

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

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§ 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

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

5 (C) *VERIFICATION.*

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

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

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

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

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

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

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

21 (A) *IN GENERAL.*

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

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

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

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1 (B) *AMOUNT OF CREDIT.*

2 (1) *FORMULA.*

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

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

5 WHERE

6 C = THE WATER-FOR-ALL CREDIT.

7 B = EITHER:

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

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

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

22 A = AFFORDABILITY THRESHOLD, AS FOLLOWS:

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

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

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

32 (2) *NEGATIVE C.*

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

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1 (3) *PRORATION.*

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

4 (C) *CALCULATING INCOME.*

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

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

11 (A) *IN GENERAL.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (A) *MIDYEAR INELIGIBILITY DESCRIBED.*

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

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

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

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

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

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

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

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

§ 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.

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

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

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

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

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

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

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

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

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

20 (A) *IN GENERAL.*

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

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

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

27 (B) *EFFECT OF RECERTIFICATION.*

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

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

31 A RECIPIENT’S FAILURE TO RECERTIFY ELIGIBILITY WITHIN 90 DAYS AFTER THE
32 NOTIFICATION RENDERS THE RECIPIENT INELIGIBLE TO CONTINUE IN THE PROGRAM,
33 SUBJECT TO REAPPLICATION.

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1 **§ 2-15. WATER-FOR-ALL PROGRAM – PROGRAM DISPUTES.**

2 ANY APPLICANT OR RECIPIENT AGGRIEVED BY A DETERMINATION OF THE DEPARTMENT
3 UNDER THIS PROGRAM MAY APPEAL THAT DETERMINATION TO THE OFFICE, AS PROVIDED
4 IN § 2-21 {“OFFICE ... – APPEALS”} OF THIS SUBTITLE.

5 **§ 2-16. {RESERVED}**

6 **§ 2-17. OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS – OFFICE ESTABLISHED;
7 NATURE, PURPOSES, PRIMARY FUNCTIONS.**

8 (A) *OFFICE ESTABLISHED.*

9 THERE IS AN OFFICE OF WATER-CUSTOMER ADVOCACY AND APPEALS.

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

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

13 (2) THE PURPOSES OF THE OFFICE ARE:

14 (I) TO PROVIDE A PROBLEM-SOLVING RESOLUTION PROCESS FOR DISPUTES
15 BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS ABOUT
16 WATER-FOR-ALL DISCOUNT PROGRAM DETERMINATIONS AND WATER AND
17 WASTEWATER BILLINGS; AND

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

21 (3) THE OFFICE:

22 (I) SHALL OPERATE INDEPENDENTLY AND OUTSIDE THE CONTROL OF THE
23 DEPARTMENT OF PUBLIC WORKS; BUT

24 (II) IS ENTITLED TO THE FULL COOPERATION AND COLLABORATION OF THE
25 DEPARTMENT OF PUBLIC WORKS’ STAFF AND CONTRACTORS, INCLUDING
26 ACCESS TO ALL CUSTOMER RECORDS AND THE ABILITY TO CONFER WITH
27 DEPARTMENT LEADERSHIP, STAFF, AND CONTRACTORS.

28 (C) *PRIMARY FUNCTIONS.*

29 THE OFFICE SERVES THE FOLLOWING THREE PRIMARY FUNCTIONS:

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

32 (I) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO BILLING DISPUTES
33 BETWEEN CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS, EVEN IF

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1 THE CUSTOMER HAS NOT YET EXHAUSTED OPTIONS FOR DISPUTE
2 RESOLUTION OFFERED BY THE DEPARTMENT;

3 (II) INVESTIGATING THE CAUSES OF AND SOLUTIONS TO DISPUTES BETWEEN
4 CUSTOMERS AND THE DEPARTMENT OF PUBLIC WORKS OVER WATER-FOR-
5 ALL DISCOUNT PROGRAM DETERMINATIONS OR OTHER DEPARTMENT
6 ACTIONS OR DECISIONS RELATED TO WATER AND WASTEWATER BILLING,
7 SERVICE CUT-OFFS, OR LACK OF NOTICE OF BILLING-RELATED ISSUES;

8 (III) CONNECTING CUSTOMERS TO COMPLEMENTARY SOCIAL SERVICES;

9 (IV) INVESTIGATING AND IMPROVING COMMUNICATIONS BETWEEN CUSTOMERS
10 AND THE DEPARTMENT OF PUBLIC WORKS, BY INVESTIGATING WHETHER
11 NOTICES SHOULD BE IN OTHER LANGUAGES, ENSURING THAT COSTUMERS
12 RECEIVE TIMELY AND COMPLETE NOTICE OF PAYMENTS DUE, AND
13 ENSURING THAT CONSTUMERS RECEIVE TIMELY AND COMPLETE NOTICE OF
14 OPTIONS FOR REDUCING PAYMENTS UNDER ALL EXISTING PROGRAMS; AND

15 (V) ADJUSTING CUSTOMER BILLS WHEN WARRANTED;

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

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

21 (I) OFFICE OPERATIONS AND ACTIVITIES, INCLUDING:

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

24 (B) EXAMPLES OF COMMON CUSTOMER COMPLAINTS, THE METHODS BY
25 WHICH THE DEPARTMENT OF PUBLIC WORKS ADDRESSES THOSE
26 COMPLAINTS, AN ASSESSMENT OF THOSE METHODS, AND
27 RECOMMENDATIONS FOR ALTERNATIVE APPROACHES; AND

28 (II) RECOMMENDATIONS THAT THE OFFICE HAS FOR:

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

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

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

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§ 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.

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§ 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:

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1 (I) THE REFUND OF A PAYMENT MADE FOR WATER AND WASTEWATER USAGE
2 CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY
3 CHARGEABLE;

4 (II) THE REDUCTION OF AS-YET UNPAID WATER AND WASTEWATER USAGE
5 CHARGES THAT EXCEED THE AMOUNT THAT IS PROPERLY AND LEGALLY
6 CHARGEABLE; OR

7 (III) THE REVERSAL OF A DEPARTMENT DECISION.

8 (2) *LIMITATION.*

9 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A CUSTOMER
10 ADVOCATE MAY NOT INCREASE ANY CHARGES IN A BILL ISSUED TO A RESIDENTIAL-
11 OR TENANT-WATER-UTILITY CUSTOMER.

12 (D) *ADVOCATE'S REPORT.*

13 (1) *IN GENERAL.*

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

15 (I) ISSUE A WRITTEN REPORT CONTAINING A DESCRIPTION OF THE INVESTIGATION
16 AND A STATEMENT OF:

17 (A) THE LAW AND FACTS;

18 (B) THE RESULTS OF THE INVESTIGATION;

19 (C) ANY RELIEF GRANTED OR DENIED; AND

20 (D) AN EXPLANATION FOR THAT DETERMINATION;

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

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

24 (2) *BILL ADJUSTMENT.*

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

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

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

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1 (II) THE NOTICE SHALL CONTAIN:

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

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

4 **§ 2-21. OFFICE OF CUSTOMER ADVOCACY . . . – APPEALS.**

5 (A) *CUSTOMER’S RIGHT TO APPEAL.*

6 (1) A CUSTOMER IS ENTITLED TO FILE AN APPEAL WITH THE OFFICE WITHIN 30 CALENDAR
7 DAYS OF RECEIPT OF A CUSTOMER ADVOCATE’S INVESTIGATIVE REPORT.

8 (2) THE APPEAL MUST BE FILED:

9 (I) IN-PERSON, AT AN ADDRESS DESIGNATED BY THE DEPARTMENT;

10 (II) ELECTRONICALLY, IN A FORMAT APPROVED BY THE DEPARTMENT; OR

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

13 (B) *OFFICE TO PROMPTLY SCHEDULE HEARING.*

14 (1) WITHIN 30 DAYS OF THE FILING OF AN APPEAL, THE OFFICE SHALL:

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

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

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

20 (C) *CUSTOMER’S PREROGATIVES.*

21 AT THE HEARING, THE CUSTOMER IS ENTITLED TO:

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

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

24 (3) SUBMIT EVIDENCE IN REBUTTAL; AND

25 (4) CONDUCT CROSS-EXAMINATION.

26 (D) *CUSTOMER ADVOCATE TO APPEAR AT HEARING.*

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

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1 (E) *CONDUCT OF HEARING.*

2 (1) TO FACILITATE THE RESOLUTION OF AN APPEAL, THE APPEALS OFFICER MAY:

3 (I) ADMINISTER OATHS AND AFFIRMATIONS;

4 (II) EXAMINE WITNESSES AND TAKE TESTIMONY;

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

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

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

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

14 (B) WITHOUT THE APPEALS OFFICER'S BEING BOUND BY COMMON LAW OR
15 STATUTORY RULES AS TO THE ADMISSIBILITY OF EVIDENCE OR BY
16 TECHNICAL RULES OF PROCEDURE;

17 (VI) CONSIDER WHETHER REPORTED METER READINGS ARE SO UNREASONABLY
18 HIGH AS TO BE PRIMA FACIE EVIDENCE THAT THE METER IS INCORRECT;

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

20 (VIII) RULE ON MOTIONS OR INFORMAL REQUESTS; AND

21 (IX) CONTINUE ANY HEARING AS DEEMED NECESSARY FOR THE EFFICIENT
22 DISPOSITION OF THE MATTER.

23 (F) *APPEALS OFFICER'S DECISION.*

24 (1) AFTER THE HEARING HAS CONCLUDED, THE APPEALS OFFICER SHALL ISSUE A WRITTEN
25 FINAL DECISION, INCLUDING A STATEMENT OF MATERIAL FACTS AND CONCLUSIONS OF
26 LAW.

27 (2) THE DECISION:

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

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

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

3 (3) THE APPEALS OFFICER’S FINAL DECISION SHALL BE COMMUNICATED BY MAIL TO THE
4 CUSTOMER NO LATER THAN 30 DAYS AFTER THE HEARING, UNLESS THE CUSTOMER
5 AGREES IN WRITING TO A LONGER PERIOD.

6 (4) THE APPEALS OFFICER’S FINAL DECISION IS THE FINAL ADMINISTRATIVE DECISION OF
7 THE CITY.

8 (G) JUDICIAL AND APPELLATE REVIEW.

9 (1) *JUDICIAL REVIEW.*

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

13 (2) *APPELLATE REVIEW.*

14 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT’S FINAL JUDGMENT TO
15 THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
16 PROCEDURE.

17 **§ 2-22. OFFICE OF CUSTOMER ADVOCACY . . . – NO INTERRUPTION OF SERVICE OR RIGHTS**
18 **PENDING REVIEWS, ETC.**

19 (A) *SERVICE CUT-OFF.*

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

25 (B) *STAY OF WRIT OR WARRANT ON JUDGMENT.*

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

32 **§ 2-23. OFFICE OF CUSTOMER ADVOCACY . . . – DISPUTED BILLS NOT CONSIDERED UNPAID.**

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

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- 1 (1) MAY NOT BE CONSIDERED UNPAID OR IN ARREARS;
- 2 (2) MAY NOT SERVE AS THE BASIS FOR A LIEN AGAINST THE PROPERTY; AND
- 3 (3) STAY ANY PROSPECTIVE OR PENDING TAX SALE UNDER STATE TAX-PROPERTY
- 4 ARTICLE § 14-849.1 AND § 14-811.

§ 2-24. OFFICE OF CUSTOMER ADVOCACY . . . – COMMITTEE FOR OFFICE OVERSIGHT.

6 (A) *COMMITTEE ESTABLISHED.*

7 THERE IS A COMMITTEE FOR OFFICE OVERSIGHT.

8 (B) *COMPOSITION.*

9 THE COMMITTEE COMPRISES THE FOLLOWING 7 MEMBERS:

- 10 (1) THE INSPECTOR GENERAL OR THE INSPECTOR GENERAL’S DESIGNEE;
- 11 (2) THE CITY AUDITOR OR THE CITY AUDITOR’S DESIGNEE;
- 12 (3) THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR’S DESIGNEE;
- 13 (4) THE CITY COUNCIL PRESIDENT OR THE PRESIDENT’S DESIGNEE; AND
- 14 (5) 3 CITY COUNCILMEMBERS, APPOINTED BY THE CITY COUNCIL PRESIDENT.

15 (C) *OFFICERS.*

16 THE COMMITTEE:

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

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

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

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1 (E) *OVERSIGHT DUTIES.*

2 THE COMMITTEE SHALL:

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

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

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

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

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

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

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

20 **SUBTITLE 4. COLLECTION OF CHARGES**

21 **§ 4-2. Metered water charges and fire supply service inspection charges.**

22 (a) *When due.*

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

25 (b) *When delinquent.*

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

30 (c) *Penalties.*

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

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

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

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

9 **§ 4-3. Cut-off for nonpayment.**

10 (A) *IN GENERAL.*

11 SUBJECT TO SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, [The non-payment of any
12 delinquent water charge against a property] AN ACCOUNT BALANCE OF \$250 OR MORE AND
13 2 BILLING CYCLES PAST DUE is sufficient reason for SENDING A CUT-OFF NOTICE FOR
14 [terminating] all water service, even though other water charges against the property are
15 not in arrears.

16 (B) *TIMING.*

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

20 (2) CUT-OFFS MAY BE PERFORMED:

21 (I) ONLY MONDAY THROUGH THURSDAY;

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

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

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

29 (C) *EXCEPTION FOR FIRE SERVICE.*

30 FIRE SERVICE MAY NOT BE CUT OFF FOR NONPAYMENT.

31 (D) *NOTICE.*

32 EACH NOTICE:

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

3 (2) SHALL CLEARLY STATE:

4 (I) THE EARLIEST DATE ON WHICH SERVICE MAY BE CUT OFF;

5 (II) THE REASONS FOR THE CUT-OFF;

6 (III) THE ACTIONS THAT THE CUSTOMER MUST TAKE TO AVOID SERVICE
7 CUT-OFF, INCLUDING THE TOTAL AMOUNT REQUIRED TO BE PAID AND THE
8 DATE BY WHICH THAT PAYMENT MUST BE MADE;

9 (IV) THE ADDRESS AND TELEPHONE NUMBER OF A DEPARTMENT
10 REPRESENTATIVE THAT THE CUSTOMER MAY CONTACT IN REFERENCE TO
11 THE ACCOUNT;

12 (V) THE PROCEDURES SPECIFIED IN § 2-19 {“OFFICE ... – REQUEST FOR
13 ASSISTANCE”} AND § 2-21 {“OFFICE ... – APPEALS”} OF THIS ARTICLE TO
14 REQUEST OFFICE ASSISTANCE AND SUBSEQUENT APPEAL;

15 (VI) THE EXCEPTIONS SET FORTH IN SUBSECTIONS (C) AND (F) OF THIS SECTION;

16 (VII) THAT ANY PAYMENT MADE BY CHECK OR DRAFT THAT IS SUBSEQUENTLY
17 DISHONORED DOES NOT CONSTITUTE PAYMENT AND WILL ENTITLE THE
18 DEPARTMENT TO CUT OFF SERVICE WITHOUT FURTHER NOTICE;

19 (VIII) A DESCRIPTION OF THE ACTIONS THAT THE CUSTOMER MUST TAKE TO
20 ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT, AS SET FORTH IN
21 § 4-5 {“INSTALLMENT PAYMENT AGREEMENT”} OF THIS SUBTITLE; AND

22 (IX) A DESCRIPTION OF THE WATER-FOR-ALL DISCOUNT PROGRAM AND THE
23 ACTIONS THAT THE CUSTOMER MUST TAKE TO APPLY.

24 (E) *VERIFICATION.*

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

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

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

31 (1) WITH RESPECT TO ANY CHARGES GIVING RISE TO THE CUT-OFF, THE CUSTOMER
32 REQUESTS, IN GOOD FAITH, OFFICE ASSISTANCE UNDER § 2-19 {“OFFICE ... –
33 REQUEST FOR ASSISTANCE”} OF THIS ARTICLE.

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

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§ 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

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

3 (D) *TERMS OF AGREEMENT.*

4 AN INSTALLMENT PAYMENT AGREEMENT SHALL SET FORTH:

5 (1) THE TOTAL AMOUNT AND DATES OF THE DELINQUENT CHARGES COVERED BY THE
6 AGREEMENT;

7 (2) THE TIME PERIOD OVER WHICH THE TOTAL AMOUNT SHALL BE PAID;

8 (3) THE NUMBER, DUE DATE, AND AMOUNT OF EACH PERIODIC PAYMENT DUE UNDER
9 THE AGREEMENT;

10 (4) THE AMOUNT OF THE REQUIRED DOWN PAYMENT OR INITIAL INSTALLMENT DUE ON
11 THE CUSTOMER'S EXECUTION OF THE AGREEMENT, WHICH MAY NOT EXCEED 25%
12 OF THE TOTAL AMOUNT COVERED BY THE AGREEMENT; AND

13 (5) THE INTEREST RATE TO BE CHARGED ON THE UNPAID BALANCE UNDER THE
14 AGREEMENT, WHICH SHALL BE EQUAL TO THE INTEREST RATE THEN BEING
15 CHARGED BY THE CITY FOR UNPAID REAL ESTATE TAXES ON A PROPERTY WHERE
16 THE ANNUAL REAL ESTATE TAXES ARE \$2,750 OR LESS.

17 (E) *NOTICE OF INSTALLMENT PAYMENTS DUE.*

18 THE DEPARTMENT SHALL MAIL TO THE CUSTOMER 30 DAYS' NOTICE OF EACH
19 INSTALLMENT PAYMENT DUE.

20 **Article 28. Taxes**

21 **Subtitle 8. Tax Sales**

22 **§ 8-1. Interest rate on redemptions from tax sales.**

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

25 (1) [12%] 5% a year for any residential real property that, as of January 1 immediately
26 preceding the tax sale, was designated by the State Department of Assessments and
27 Taxation as the owner's principal residence in accordance with the criteria governing
28 the State Homestead Tax Credit; and

29 (2) 18% a year for all other property.

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§ 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.