



DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

Board of Directors DC Retail Water and Sewer Rates Committee

Tuesday, July 27, 2021 9:30 a.m.

Microsoft Teams

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- 1. Call to Order Rachna Bhatt, Chairperson
2. Roll Call Linda Manley
3. Monthly Report to DC Retail Water & Sewer Rates Committee (Attachment A) Matthew Brown
4. Proposal to Amend Regulations to Establish Washington (Attachment B) Elaine Wilson
5. Proposal to Amend DC Water Cares Residential and Multi-family Program Regulations for Extension Armon Curd
6. Proposal to Amend 21 DCMR Chapter 4 for Bill (Attachment D) Armon Curd
7. Action Items (Attachment E) Matthew Brown
8. DC Retail Water and Sewer Rates Committee Workplan (Attachment F) Matthew Brown
9. Agenda for September 28, 2021 Committee Meeting (Attachment G) Rachna Bhatt, Chairperson
10. Other Business Matthew Brown
11. Executive Session*
12. Adjournment Rachna Bhatt, Chairperson

*The DC Water Board of Directors may go into executive session at this meeting pursuant to the District of Columbia Open Meetings Act of 2010, if such action is approved by a majority vote of the Board members who constitute a quorum to discuss: matters prohibited from public disclosure pursuant to a court order or law under D.C. Official Code § 2-575(b)(1); contract negotiations under D.C. Official Code § 2-575(b)(2); legal, confidential or privileged matters under D.C. Official Code § 2-575(b)(4)(A); collective bargaining negotiations under D.C. Official Code § 2-575(b)(5); facility security under D.C. Official Code § 2-575(b)(8); disciplinary matters under D.C. Official Code § 2-575(b)(9); personnel matters under D.C. Official Code § 2- 575(b)(10); proprietary matters under D.C. Official Code § 2-575(b)(11); train and develop members of a public body and staff under D.C. Official Codes § 2-575(b)(12); decision in an adjudication action under D.C. Official Code § 2-575(b)(13); civil or criminal matters where disclosure to the public may harm the investigation under D.C. Official Code § 2-575(b)(14), and other matters provided in the Act.



Fiscal Year 2021

Monthly Report to DC Retail Water and Sewer Rates Committee

Period Ending June 30, 2021

DEPARTMENT OF FINANCE

Matthew T. Brown, CFO & Executive Vice President, Finance and Procurement

Syed Khalil, Director, Rates & Revenue

Monthly Report to DC Retail Water and Sewer Rates Committee

Fiscal Year-to-Date
As of June 30, 2021

Operating Revenues (\$000's)

FY 2020		CATEGORY	FY 2021						Projections	
Actual			Year-to-Date Performance						Year-End	% of
Total Annual	YTD June		Annual Budget	YTD Budget	Actual	% of Budget	Variance \$ Fav(Unfav)	Variance % Fav(Unfav)	Projections	Budget
\$396,884	\$299,031	Residential / Commercial / Multi-Family*	\$421,633	\$316,225	\$287,606	68.2%	(\$28,619)	(9.1%)	\$381,971	90.6%
71,954	54,729	Federal	77,571	58,179	57,637	74.3%	(541)	(0.9%)	76,689	98.9%
18,067	13,072	Municipal (DC Govt.)	18,377	13,783	15,023	81.8%	1,240	9.0%	20,324	110.6%
10,998	8,176	DC Housing Authority	11,941	8,956	9,155	76.7%	200	2.2%	12,533	105.0%
11,829	8,890	Metering Fee	15,405	11,554	11,000	71.4%	(554)	(4.8%)	14,780	95.9%
41,456	31,229	Water System Replacement Fee (WSRF)	39,717	29,787	31,629	79.6%	1,842	6.2%	41,423	104.3%
79,157	59,225	Wholesale	81,986	61,489	61,996	75.6%	507	0.8%	81,986	100.0%
21,546	16,032	PILOT/ROW	22,463	16,847	15,544	69.2%	(1,303)	(7.7%)	20,738	92.3%
58,206	31,934	All Other	44,645	31,609	27,384	61.3%	(4,225)	(13.4%)	38,200	85.6%
\$710,097	\$522,317	TOTAL	\$733,738	\$548,428	\$516,974	70.5%	(\$31,453)	(5.7%)	\$688,644	93.9%

* Residential, Commercial & Multi-family receipts include credits for October 2020 through May 2021 for District's ERRP (\$1,073,964.11), DC Water Cares Residential (\$612,048.41) and DC Water Cares Multi-family (\$2,188,038.51).



VARIANCE ANALYSIS FOR MAJOR REPORTED ITEMS

At the end of June 2021, cash receipts totaled \$517.0 million, or 70.5 percent of the FY 2021 budget. The lower YTD receipts are mainly due to decline in consumption on account of the impact of COVID-19. The total receipts for June were \$48.4 million as compared to the budgeted \$45.8 million. Several categories of customers make payments on a quarterly basis, including the Federal Government (which made their third quarterly payment in April), and wholesale customers (which made their third quarter payment in May).

Areas of Overcollection	Areas of Undercollection
<p><u>District Government</u> – Receipts are slightly higher at \$15.0 million or 81.8 percent of the budget. The June receipts are at \$1.5 million. The June 2021 receipts are lower by twenty eight thousand dollars as compared to the monthly budget.</p> <p><u>DC Housing</u> - Receipts are slightly higher at \$9.2 million or 76.7 percent of the budget. The June 2021 receipts are slightly lower by twenty five thousand dollars as compared to the monthly budget of \$1.0 million.</p> <p><u>Wholesale</u> – The wholesale customers actual receipts through June 2021 total \$62.0 million or 75.6 percent of FY 2021 budget. The wholesale customers made their third quarter payment of \$19.9 million in May 2021. Potomac Interceptors made their \$0.6 million payment in June 2021.</p>	<p><u>Residential, Commercial and Multi-Family</u> – Receipts for this category are lower at \$287.6 million or 68.2 percent of the budget. The lower receipts are mainly due to decline in consumption in Commercial category on account of the impact of COVID-19. The June 2021 receipts were higher by \$2.0 million or 5.6 percent as compared to the monthly budget of \$35.1 million.</p> <p><u>Federal</u> - Actual receipts through June 2021 total \$57.6 million or 74.3 percent of the budget. The Federal government made their third quarter payment in April 2021.</p> <p><u>PILOT/ROW</u> – The YTD receipts for PILOT/ROW are slightly lower at \$15.5 million or 69.2 percent of the budget. The June 2021 receipts are slightly lower by \$0.18 million as compared to the monthly budget on account of lower consumption due to COVID-19.</p> <p><u>Other Revenue</u> - Receipts are lower at \$27.4 million or 61.3 percent of the budget. The \$4.2 million lower receipts are primarily due to (i) \$2.1 million lower receipts from System Availability Fee and (ii) \$2.8 million lower miscellaneous receipts. This was offset by increase in \$0.7 million Developer Fee. The June 2021 Other Revenue receipts were higher by \$0.2 million or 8.5 percent as compared to the monthly budget of \$2.5 million.</p>

Monthly Report to DC Retail Water and Sewer Rates Committee

Fiscal Year-to-Date
As of June 30, 2021

Operating Revenues Detail

(\$ in millions)

Revenue Category	FY 2021 Budget	YTD Budget	Actual	Variance		Actual % of Budget	Year-End Projections	Variance Proj vs Budg		% of Budget
				Favorable /	(Unfavorable)					
Residential, Commercial, and Multi-family	\$421.6	\$316.2	\$287.6	(\$28.6)	-9.1%	68.2%	\$382.0	(\$39.7)		90.6%
Federal	77.6	58.2	57.6	(0.5)	-0.9%	74.3%	76.7	(0.9)		98.9%
District Government	18.4	13.8	15.0	1.2	9.0%	81.7%	20.3	1.9		110.6%
DC Housing Authority	11.9	9.0	9.2	0.2	2.2%	76.7%	12.5	0.6		105.0%
Customer Metering Fee	15.4	11.6	11.0	(0.6)	-4.8%	71.4%	14.8	-0.6		95.9%
Water System Replacement Fee (WSRF)	39.7	29.8	31.6	1.8	6.2%	79.6%	41.4	1.7		104.3%
Wholesale	82.0	61.5	62.0	0.5	0.8%	75.6%	82.0	0.0		100.0%
Right-of-Way Fee/PILOT	22.5	16.8	15.5	(1.3)	-7.7%	69.2%	20.7	(1.7)		92.3%
Subtotal (before Other Revenues)	\$689.1	\$516.8	\$489.6	(\$27.2)	-5.3%	71.0%	\$650.4	(\$38.6)		94.4%
IMA Indirect Cost Reimb. For Capital Projects	5.1	3.8	3.4	(0.4)	-10.5%	66.7%	4.5	(0.6)		88.2%
DC Fire Protection Fee	12.5	9.4	9.4	0.0	0.0%	75.2%	12.5	0.0		100.0%
Stormwater (MS4)	1.0	0.8	0.9	0.1	12.5%	90.0%	1.1	0.1		110.0%
Interest	3.4	2.6	2.8	0.2	7.7%	82.4%	3.4	0.0		100.0%
Developer Fees (Water & Sewer)	6.0	4.5	5.2	0.7	15.6%	86.7%	5.0	(1.0)		83.3%
System Availability Fee (SAF)	7.7	5.8	3.7	(2.1)	-36.2%	48.1%	5.4	(2.3)		70.1%
Others	6.4	4.8	2.0	(2.8)	-58.3%	31.3%	3.7	(2.7)		57.8%
Subtotal	\$42.1	\$31.6	\$27.4	(\$4.2)	-13.4%	65.0%	\$35.7	(\$6.4)		84.7%
Rate Stabilization Fund Transfer	\$2.5	\$0.0	\$0.0	\$0.0	0.0%	0.0%	\$2.5	\$0.0		100.0%
Other Revenue Subtotal	\$44.6	\$31.6	\$27.4	(\$4.2)	-13.4%	61.3%	\$38.2	(\$6.4)		85.6%
Grand Total	\$733.7	\$548.4	\$517.0	(\$31.4)	-5.7%	70.5%	\$688.6	(\$45.1)		93.9%

BREAKDOWN OF RETAIL RECEIPTS BY CUSTOMER CATEGORY (\$ in 000's)

Customer Category	Clean Rivers					Total
	Water	Sewer	IAC	Metering Fee	WSRF	
Residential	\$25,925	\$40,893	\$20,619	\$4,933	\$7,137	\$99,508
Commercial	\$40,181	\$45,492	\$25,037	\$3,370	\$12,588	\$126,668
Multi-family	\$31,561	\$48,543	\$9,354	\$1,581	\$5,660	\$96,699
Federal	\$19,193	\$21,818	\$16,626	\$603	\$4,548	\$62,788
District Govt	\$3,592	\$4,860	\$6,571	\$390	\$1,383	\$16,797
DC Housing Authority	\$3,343	\$4,953	\$859	\$121	\$313	\$9,590
Total:	\$123,796	\$166,559	\$79,067	\$11,000	\$31,629	\$412,050

Note: The breakdown of Collections into Residential, Commercial, & Multi-family and Water and sewer is approximate as it is based on percentages of historical data and does not take into account adjustments and timing differences

Clean Rivers IAC - Actual vs Budget (\$ in 000's)

Customer Category	FY2021 Budget	Year-To-Date Budget	Actual Received	Variance		Actual % of Budget
				Favorable /	<Unfavorable>	
Residential	\$24,793	\$18,595	\$20,619	\$2,025		83%
Commercial	\$28,102	\$21,077	\$25,037	\$3,961		89%
Multi-family	\$11,370	\$8,528	\$9,354	\$827		82%
Federal	\$21,541	\$16,156	\$16,626	\$470		77%
District Govt	\$7,663	\$5,747	\$6,571	\$823		86%
DC Housing Authority	\$1,135	\$851	\$859	\$8		76%
Total:	\$94,604	\$70,953	\$79,067	\$8,114		84%

Monthly Report to DC Retail Water and Sewer Rates Committee

Fiscal Year-to-Date
As of June 30, 2021

Retail Accounts Receivable (Delinquent Accounts)

The following tables show retail accounts receivable over 90 days (from the billing date) including a breakdown by customer class.

Greater Than 90 Days by Month		
	\$ in millions	# of accounts
September 30, 2012	\$5.5	13,063
September 30, 2013	\$4.9	11,920
September 30, 2014	\$5.3	12,442
September 30, 2015	\$6.5	11,981
September 30, 2016	\$7.7	12,406
September 30, 2017	\$8.4	11,526
September 30, 2018	\$13.4	16,273
September 30, 2019	\$10.6	8,744
September 30, 2020	\$17.9	13,775
October 31, 2020	\$18.9	14,276
November 30, 2020	\$19.8	14,772
December 31, 2020	\$22.7	15,605
January 31, 2021	\$23.4	15,444
February 28, 2021	\$24.0	14,973
March 31, 2021	\$23.6	14,613
April 30, 2021	\$24.0	14,707
May 31, 2021	\$25.0	14,672
June 30, 2021	\$25.3	14,177

Notes: The increase in the accounts receivable over 90 days (from the billing date) is due to the temporary suspension of collections procedures because of the new billing system VertexOne, which was implemented in December 2017. The increase in accounts receivable from March 2020 to June 2021 is primarily due to increased delinquencies and deferred payments due to the impact of COVID-19.

Greater Than 90 Days by Customer

	Number of Accounts			Month of Jun (All Categories)				Total Delinquent				
	W & S	Impervious Only	Total No. of	Active		Inactive		May		Jun		
				No. of	Amount	No. of	Amount	No. of	Amount	No. of	Amount	%
a/c	a/c	a/c	a/c	(\$)	a/c	(\$)	a/c	(\$)	a/c	(\$)	%	
Commercial	9,026	2,221	11,247	1,480	\$5,965,072	46	\$115,009	1,472	\$5,620,960	1,526	\$6,080,081	24%
Multi-family	8,480	347	8,827	1,286	\$8,978,471	15	\$92,474	1,353	\$9,102,174	1,301	\$9,070,945	36%
Single-Family Residential	106,807	2,236	109,043	11,210	\$10,044,481	140	\$128,287	11,847	\$10,240,465	11,350	\$10,172,768	40%
Total	124,313	4,804	129,117	13,976	\$24,988,024	201	\$335,769	14,672	\$24,963,598	14,177	\$25,323,793	100%

Notes: Included in the above \$25.3 million (or 14,177 accounts) of the DC Water over 90 days delinquent accounts, \$4,232,271.86 (or 1,587 accounts) represents Impervious only accounts over 90 days delinquent.

- Reportable delinquencies do not include balances associated with a long standing dispute between DC Water and a large commercial customer.

- Delinquent accounts (14,177) as a percentage of total accounts (129,117) is 11.0 percent.

Monthly Report to DC Retail Water and Sewer Rates Committee

Customer Arrears Data

Arrears by Customer Category

	Over 30 Days		Over 60 Days		Over 90 Days	
	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)
Commercial	2,466	\$ 8,903,571.75	1,779	\$ 6,948,803.48	1,526	\$ 6,080,080.71
Multi-family	1,971	\$ 12,429,962.29	1,539	\$ 10,500,414.32	1,301	\$ 9,070,944.75
Residential	20,718	\$ 13,375,141.05	14,125	\$ 11,471,662.40	11,350	\$ 10,172,767.80

Arrears by WARD for Residential Category

	Over 30 Days		Over 60 Days		Over 90 Days	
	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)
Ward 1	1,548	\$ 1,115,308.90	1,010	\$ 947,529.97	825	\$ 833,708.59
Ward 2	738	\$ 487,969.51	504	\$ 412,372.45	403	\$ 369,118.80
Ward 3	990	\$ 600,220.04	603	\$ 461,621.90	458	\$ 393,943.09
Ward 4	3,670	\$ 2,412,707.83	2,434	\$ 2,045,082.90	1,959	\$ 1,801,897.30
Ward 5	4,165	\$ 2,519,993.83	2,837	\$ 2,159,805.08	2,280	\$ 1,903,873.56
Ward 6	1,824	\$ 997,893.97	1,238	\$ 843,894.76	985	\$ 739,867.58
Ward 7	4,994	\$ 3,184,671.98	3,514	\$ 2,787,574.40	2,862	\$ 2,504,766.69
Ward 8	2,789	\$ 2,056,374.99	1,985	\$ 1,813,780.94	1,578	\$ 1,625,592.19
Total	20,718	\$ 13,375,141.05	14,125	\$ 11,471,662.40	11,350	\$ 10,172,767.80

Arrears Comparison by WARD for Residential Category - June 2021 vs. March 2020

	June 30, 2021						March 31, 2020					
	Over 30 Days		Over 60 Days		Over 90 Days		Over 30 Days		Over 60 Days		Over 90 Days	
	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)
Ward 1	1,548	\$ 1,115,308.90	1,010	\$ 947,529.97	825	\$ 833,708.59	1,550	\$ 429,923.26	816	\$ 272,081.84	479	\$ 200,754.03
Ward 2	738	\$ 487,969.51	504	\$ 412,372.45	403	\$ 369,118.80	734	\$ 262,085.36	343	\$ 185,718.33	222	\$ 146,515.77
Ward 3	990	\$ 600,220.04	603	\$ 461,621.90	458	\$ 393,943.09	883	\$ 253,590.68	385	\$ 134,762.16	210	\$ 91,319.39
Ward 4	3,670	\$ 2,412,707.83	2,434	\$ 2,045,082.90	1,959	\$ 1,801,897.30	4,026	\$ 1,199,545.10	2,176	\$ 791,290.73	1,264	\$ 580,591.06
Ward 5	4,165	\$ 2,519,993.83	2,837	\$ 2,159,805.08	2,280	\$ 1,903,873.56	4,453	\$ 1,409,002.66	2,619	\$ 1,015,411.27	1,714	\$ 793,949.21
Ward 6	1,824	\$ 997,893.97	1,238	\$ 843,894.76	985	\$ 739,867.58	1,772	\$ 529,145.87	1,000	\$ 377,344.51	631	\$ 309,971.92
Ward 7	4,994	\$ 3,184,671.98	3,514	\$ 2,787,574.40	2,862	\$ 2,504,766.69	5,588	\$ 2,075,966.26	3,531	\$ 1,599,060.28	2,286	\$ 1,293,170.01
Ward 8	2,789	\$ 2,056,374.99	1,985	\$ 1,813,780.94	1,578	\$ 1,625,592.19	2,961	\$ 1,203,313.10	1,928	\$ 921,280.57	1,294	\$ 759,791.42
Total	20,718	\$ 13,375,141.05	14,125	\$ 11,471,662.40	11,350	\$ 10,172,767.80	21,967	\$ 7,362,572.29	12,798	\$ 5,296,949.69	8,100	\$ 4,176,062.81

Monthly Report to DC Retail Water and Sewer Rates Committee

Customer Arrears Data

CAP, CAP2 and CAP3 Customers in Arrears*

	Over 30 Days		Over 60 Days		Over 90 Days	
	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)
CAP	1,025	\$ 218,653.79	517	\$ 161,505.60	289	\$ 126,839.08
CAP2	77	\$ 16,514.37	29	\$ 10,321.48	15	\$ 8,868.31
CAP3	41	\$ 15,444.38	23	\$ 10,616.47	11	\$ 8,542.22

*Based on number of accounts that have been given credit in June 2021.

CAP Customer Arrears by Ward*

	Over 30 Days		Over 60 Days		Over 90 Days	
	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)
Ward 1	39	\$ 7,566.29	17	\$ 5,294.45	11	\$ 4,000.67
Ward 2	8	\$ 323.70	4	\$ 112.45	1	\$ 9.49
Ward 3	5	\$ 191.39	2	\$ 45.72	0	\$ -
Ward 4	129	\$ 32,545.56	64	\$ 24,760.90	34	\$ 19,368.87
Ward 5	224	\$ 39,982.93	115	\$ 30,261.94	68	\$ 26,307.79
Ward 6	55	\$ 4,523.32	25	\$ 2,080.52	14	\$ 1,624.25
Ward 7	305	\$ 75,451.98	158	\$ 58,988.19	97	\$ 46,000.09
Ward 8	260	\$ 58,068.62	132	\$ 39,961.43	64	\$ 29,527.92
Total	1,025	\$ 218,653.79	517	\$ 161,505.60	289	\$ 126,839.08

*Based on number of accounts that have been given credit in June 2021.

CAP2 Customer Arrears by Ward*

	Over 30 Days		Over 60 Days		Over 90 Days	
	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)
Ward 1	2	\$ 91.72	1	\$ 41.42	0	\$ -
Ward 2	0	\$ -	0	\$ -	0	\$ -
Ward 3	3	\$ 119.83	1	\$ 22.35	0	\$ -
Ward 4	9	\$ 5,897.84	4	\$ 2,926.32	3	\$ 2,545.91
Ward 5	13	\$ 1,450.94	5	\$ 904.70	2	\$ 769.32
Ward 6	4	\$ 2,519.48	2	\$ 2,244.55	2	\$ 2,081.37
Ward 7	23	\$ 1,525.81	5	\$ 808.13	2	\$ 575.55
Ward 8	23	\$ 4,908.75	11	\$ 3,374.01	6	\$ 2,896.16
Total	77	\$16,514.37	29	\$ 10,321.48	15	\$ 8,868.31

*Based on number of accounts that have been given credit in June 2021.

CAP3 Customer Arrears by Ward*

	Over 30 Days		Over 60 Days		Over 90 Days	
	No. of Accts	(\$)	No. of Accts	(\$)	No. of Accts	(\$)
Ward 1	3	\$ 1,331.92	3	\$ 732.51	2	\$ 491.89
Ward 2	0	\$ -	0	\$ -	0	\$ -
Ward 3	0	\$ -	0	\$ -	0	\$ -
Ward 4	4	\$ 478.35	1	\$ 52.25	0	\$ -
Ward 5	6	\$ 3,636.17	4	\$ 3,159.14	3	\$ 2,535.93
Ward 6	2	\$ 1,448.45	1	\$ 1,313.57	1	\$ 1,209.69
Ward 7	17	\$ 5,158.00	9	\$ 2,978.61	2	\$ 2,337.88
Ward 8	9	\$ 3,391.49	5	\$ 2,380.39	3	\$ 1,966.83
Total	41	\$ 15,444.38	23	\$ 10,616.47	11	\$ 8,542.22

*Based on number of accounts that have been given credit in June 2021.

Monthly Report to DC Retail Water and Sewer Rates Committee

Developer Deposits

Developer Deposits are funds paid to DC Water for plans that are approved by the Permit Operations Department. They include:

- Flat fees for taps, abandonments, sewer connections, etc.
- Reimbursable fees for inspection labor hours charged to the account
- Deposits held as security against damage and uncharged accounts.
- Miscellaneous non-commercial account items (hydrant use, groundwater dewatering, waste hauler fees, etc.)
- As of July 7, 2021, developer deposits had \$44.5 million in credit balances (liability) and \$9.8 million in debit balances (receivable).

Balances as of July 7, 2021

Credit Balances (Liability)	Debit Balances (Receivables)
\$44.5 million	\$9.8 million

Year	Credit Balances	Number of Accounts with Credit Balances	Debit Balances	Number of Accounts with Debit Balances	Net Balance
2001			\$ 960,164.05	1	\$ 960,164.05
2002			\$ 1,836.00	2	\$ 1,836.00
2004	\$ (2,648.33)	6	\$ 9,066.08	6	\$ 6,417.75
2005	\$ (1,935,934.61)	587	\$ 269,202.91	90	\$ (1,666,731.70)
2006	\$ (950,264.21)	152	\$ 284,522.42	78	\$ (665,741.79)
2007	\$ (745,894.51)	155	\$ 150,176.99	50	\$ (595,717.52)
2008	\$ (1,219,825.02)	184	\$ 192,952.22	50	\$ (1,026,872.80)
2009	\$ (660,646.11)	148	\$ 226,799.06	50	\$ (433,847.05)
2010	\$ (909,624.81)	180	\$ 140,314.10	41	\$ (769,310.71)
2011	\$ (1,436,693.18)	236	\$ 407,421.22	56	\$ (1,029,271.96)
2012	\$ (2,344,137.79)	347	\$ 469,380.78	97	\$ (1,874,757.01)
2013	\$ (2,148,938.61)	284	\$ 256,876.65	82	\$ (1,892,061.96)
2014	\$ (2,095,108.29)	285	\$ 952,405.39	66	\$ (1,142,702.90)
2015	\$ (1,630,794.22)	299	\$ 248,226.34	40	\$ (1,382,567.88)
2016	\$ (3,143,008.48)	369	\$ 508,632.28	64	\$ (2,634,376.20)
2017	\$ (2,775,633.30)	461	\$ 463,142.01	122	\$ (2,312,491.29)
2018	\$ (6,022,294.29)	576	\$ 1,396,617.31	127	\$ (4,625,676.98)
2019	\$ (8,557,444.53)	509	\$ 1,637,593.22	182	\$ (6,919,851.31)
2020	\$ (5,364,814.10)	397	\$ 462,597.24	178	\$ (4,902,216.86)
2021	\$ (2,638,704.30)	191	\$ 795,563.69	225	\$ (1,843,140.61)
Total	\$ (44,582,408.69)	5,366	\$ 9,833,489.96	1,607	\$ (34,748,918.73)

Forfeiture Action (Proposed)

Total 2001 to 2011 Total	(7,861,530.78)	1,648
Less: Accounts Identified for Forfeiture	(4,570,108.64)	975
Accounts with refund requests or activities within the last 10 years or Non-Merch Accounts	(3,291,422.14)	673

Monthly Report to DC Retail Water and Sewer Rates Committee

Developer Deposits

Customer Communication

Statements are provided to customers when there is activity on the account. To ensure that all customers are aware of balances, invoices will be mailed to all customers annually and on February 25, 2021 statements were mailed to all customers.

By law, refunds are to be requested by the account owner within two years of completion (DC Code § 34–2401.10). If not requested in that time frame, these accounts can be forfeited and closed. DC Water has placed a statement on invoices beginning in November 2019 notifying customers of the District law and that funds would be forfeited unless a refund is requested within two years of project completion or account inactivity. A notification to customers that is posted on our website indicates that unless a refund was requested, funds would be forfeited for projects without activity for ten years. AOBA and DCBIA have been asked to notify their membership to examine the invoices.

Refund Requests

In response to the notification by DC Water, more than 250 customers have submitted refund requests (impacting approximately 1,050 accounts) as of July 1, 2021. Time is required to research and process the refund requests, and the Permit Operations staff are working through these requests now.

The Authority needs to reserve funds to maintain 250 days of cash to comply with the Board Policy. Currently, there is \$4 million set aside for refund of older deposits. We are determining if additional cash needs to be set for refund requests as part of the mid-year forecasting process.



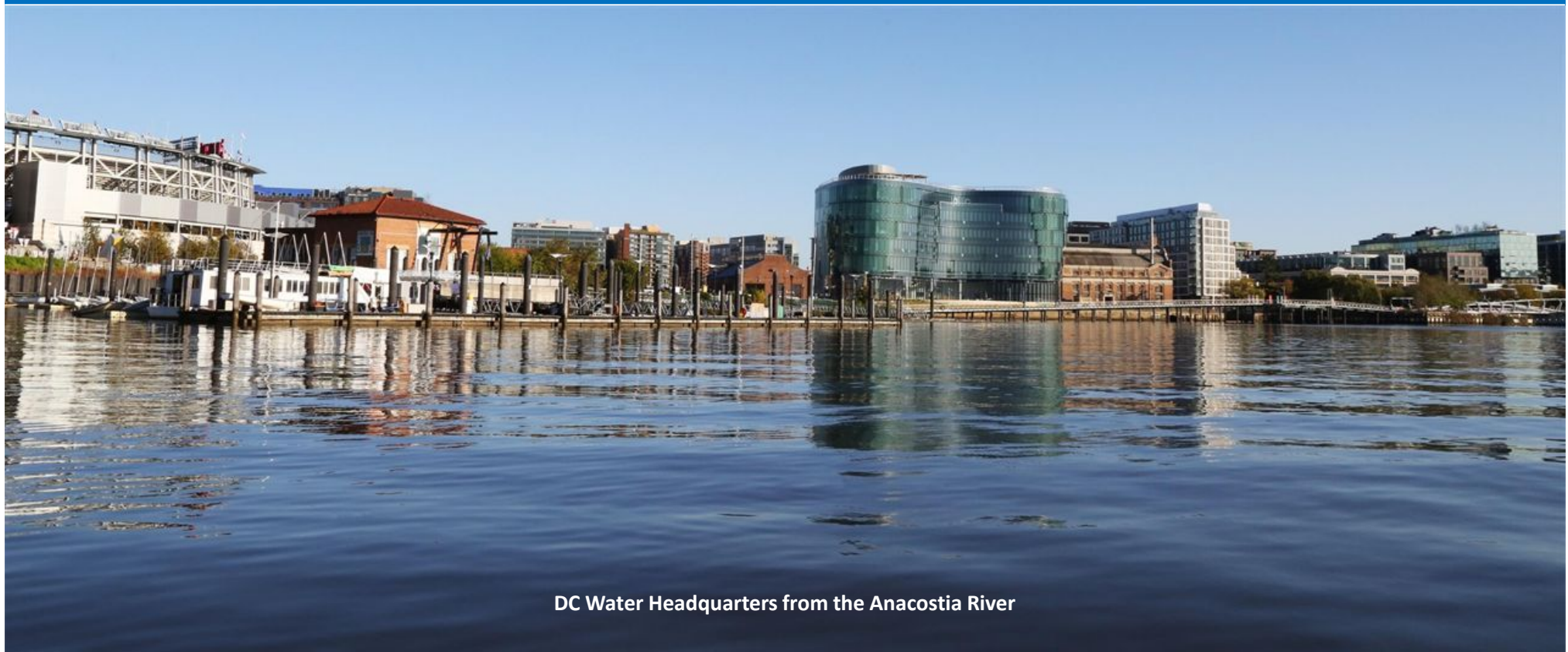
Proposal to Amend Regulations to Establish a New High Flow Filter Backwash
Sewer Rate

Presentation to Retail Rates Committee, July 27, 2021

Presented by Elaine Wilson, Manager, Wastewater Quality and Pretreatment

District of Columbia Water and Sewer Authority

Attachment B



DC Water Headquarters from the Anacostia River



Purpose

- Seek committee's recommendation to the full board for approval to establish a new sewer rate for the Washington Aqueduct (WAD) filter backwash discharge.
- The WAD filter backwash will be very high flow (2.87 MGD average), very low strength (<10 mg/L suspended solids and oxygen demand expected), and interruptible.
- Waste characteristics of the filter backwash are similar to groundwater, which has an existing separate sewer rate.
- However, the filter backwash is not groundwater and the additional characteristic of interruptible flow requires a new unique sewer rate



Rate Development

- 💧 DC Water engaged Raftelis to develop a High Flow Filter Backwash rate for WAD.
- 💧 Projected FY22 rate is required since the proposed WAD discharge is anticipated to begin in February 2022.
- 💧 The rate will be generic to all high flow (>1 MGD) filter backwash discharges with interruptible flow (dry weather only).
- 💧 Rate is consistent with Cost of Service (COS) methodology and standard practices, ensures cost recovery, and is legally defensible.
- 💧 Rate was developed using the 2018 Groundwater COS methodology with updated 2020 COS data.
- 💧 Rate includes reductions in capital costs to account for use during dry weather only and indirect operational costs since billing will be done through Finance instead of Customer Service.



Proposed Rate

- High flow filter backwash rate of \$3.03/Ccf or \$4.05/TG proposed for FY22.
- Reflects a cost of service-based rate that is consistent with Board Rate Setting Policy and with all existing retail rates.
- Rate will be re-evaluated every two years beginning with upcoming COS Study starting in October 2021 for FY23 and FY24.



Next Steps



Management Recommendations or Conclusion

Management recommends that the committee recommend the following to the full Board for approval:

- Action Item 1 – publication of the proposed amendments to the Rates and Charges for Sewer Service regulations (21 DCMR § 4101) to establish a High Flow Filter Backwash sewer rate consistent with the Cost of Service rate developed by Raftelis to include the sewer rate and applicability criteria.



Next Steps

- 💧 Schedule for adoption of the new sewer rate must meet the following milestones:
- 💧 Sept. 2, 2021 – BOD approval to publish NOPR
- 💧 Sept. 17, 2021 – Publish NOPR with 45-day comment period
- Nov. 15, 2021
- 💧 Nov. 10, 2021 – Hold Public Hearing
- 💧 Nov. 15, 2021 – Public comment closes
- 💧 Nov. 16, 2021 – Present comments to RRC
- 💧 Nov. 16, 2021 – RRC approves final proposal to amend retail sewer rate regulations to establish new filter backwash sewer rate
- 💧 Nov. 30, 2021 – Post responses to comments on DC Water website
- 💧 Dec. 2, 2021 – BOD approval to publish NOFR
- 💧 Dec. 17, 2021 – Publish NOFR and incorporate into WAD permit prior to expected discharge in Feb 2022



DC Water Cares Program Progress Update

Presentation to DC Retail Water and Sewer Rates Committee, July 27, 2021

Armon Curd, Executive Vice President Customer Experience

District of Columbia Water and Sewer Authority



Purpose

- Request the Committee's recommendation to the Board to adopt and approve the publication of the Notice of Emergent and Proposed Rulemaking, amending Section 4102, Customer Assistance Programs (CAP), to extend the "DC Water Cares Program" for the Residential and Multifamily emergency assistance into FY2022.

FY2022 Program Design

 FY2022 DC Water Cares programs will continue with FY2021 design

	RAP	MAP
Property Eligibility	Residential (single-family or individually metered)	Multifamily (4+ units) -AND- property owner participation
Household Income Eligibility	80% AMI (CAP or CAP2)	80% AMI (SNAP, TANF, LIHEAP, AHU, or applies directly)
Benefit Occurrence	On-going throughout fiscal year	One-time per fiscal year
Benefit Calculation	Current past due balance, up to \$2,000 per fiscal year	Lesser of, but not to exceed \$2,000 per fiscal year 1) 3-month average from 4/1/20 to 12/31/20 2) Past due balance as of 12/31/20
Fiscal Year Benefit Renewal Process	Reapply for CAP or CAP2 via DOEE	Tenant: Reapply for programs listed under <i>Household Income Eligibility</i> above -AND- Owner: Reapply for property participation

AMI=Area Median Income
SNAP=Suppl. Nutrition Assist. Pgrm.

TANF=Temp Assist. for Needy Families
LIHEAP=Low Income HH Energy Assist.

AHU=Affordable Housing Unit

Amendment Overview

💧 Proposing to revise 21 DCMR, Section 4102 as follows

- For RAP and MAP
 - Update fiscal year references from FY2021 to FY2022
 - Clarify language for program renewals as benefit in the new fiscal year is a “reset” rather than a continuation

FY2021 Language	FY2022 Language
To <u>continue</u> receiving DC Water Cares benefits in Fiscal Year 2022 <u>without interruptions</u> , the customer must submit a renewal...	Customer that received DC Water Cares benefits in FY 2021 must submit a renewal application <u>to receive</u> DC Water Cares <u>benefits</u> in Fiscal Year 2022.

- For MAP only
 - Remove ineligibility clause if household previously received Federal or District-funded assistance for water and sewer services. Will allow units to receive MAP assistance in addition to Stronger Together by Assisting You (STAY DC)
 - Update benefit calculation date references

FY2021 Language	FY2022 Language
3-month average from <u>4/1/20 to 12/31/20</u> Past due balance as of <u>12/31/20</u>	3-month average from <u>10/1/20 to 9/30/21</u> Past due balance as of <u>9/30/21</u>

Proposed Extension Timeline

- 07/27/21 – Presentation to RRC on proposal to amend Customer Assistance Program (CAP) regulations for DC Water Cares Residential and Multifamily Assistance Programs extension
- 07/27/21 – RRC recommendation to Board to approve proposed amendments to CAP rules for DC Water Cares Residential and Multifamily Assistance Programs extension
- 09/02/21 – Board approval to publish Notice of Emergent and Proposed Rulemaking (NOEPR) to amend the CAP regulations for DC Water Cares Residential and Multifamily Assistance Programs extension
- 09/17/21 – Publish NOEPR in D.C. Register
- 09/17/21 – Public comment period begins
- 11/10/21 – Public Hearing
- 11/15/21 – Public comment period closes
- 11/16/21 – RCC recommends approval of final proposal to amend CAP rules for DC Water Cares Residential and Multifamily Assistance Programs extension
- 12/02/21 – Board approval to publish Notice of Final Rulemaking (NOFR)
- 12/17/21 – Publish NOFR in D.C Register – Continue implementation

Appendix

FY 2021 Projected Unexpended Balance

	RAP	MAP
	New	New
Funding	DC Water	DC Water
Board approved Funding for Benefits	\$3.0 million	\$7.0 million
Assistance Provided as of June 30, 2021	\$1.08 million	\$2.35 million
Ending Balance as of June 30, 2021	\$1.92 million	\$4.65 million
Projected Unexpended Balance FY 2021	\$1.45 million	\$4.21 million
Actual Enrollment as of June 30, 2021	1,752	183
Projected Enrollment FY 2021	2,460	264

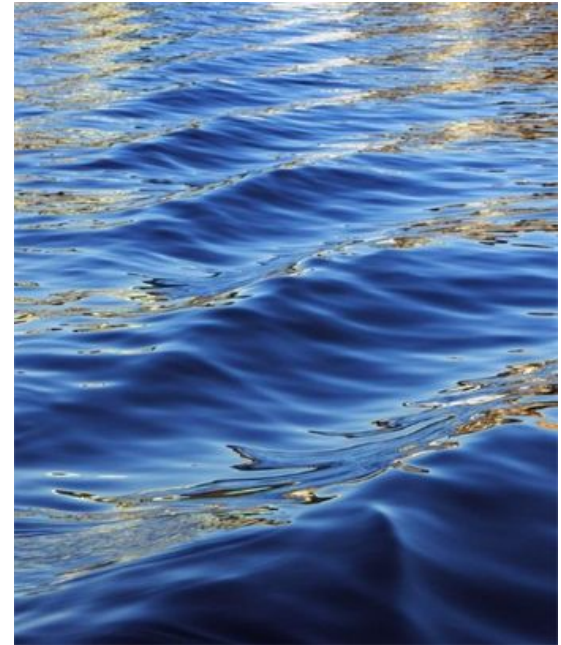
Attachment D

District of Columbia Water and Sewer Authority
Retail Water and Sewer Rates Committee Meeting

*Amend Chapter 4. Contested
Water and Sewer Bills*

July 27, 2021

Department of Government and Legal Affairs



Purpose and Need

Purpose: Recommended amendments to the District of Columbia Municipal Regulations (“DCMR”) of Title 21. *Water and Sanitation*, Chapter 4. *Contested Water and Sewer Bills*.

Need: The *District of Columbia Water and Sewer Authority Omnibus Amendment Act of 2020 (“Act”)*, effective March 16, 2021, codified provisions related to the process of contested water and sewer bills.

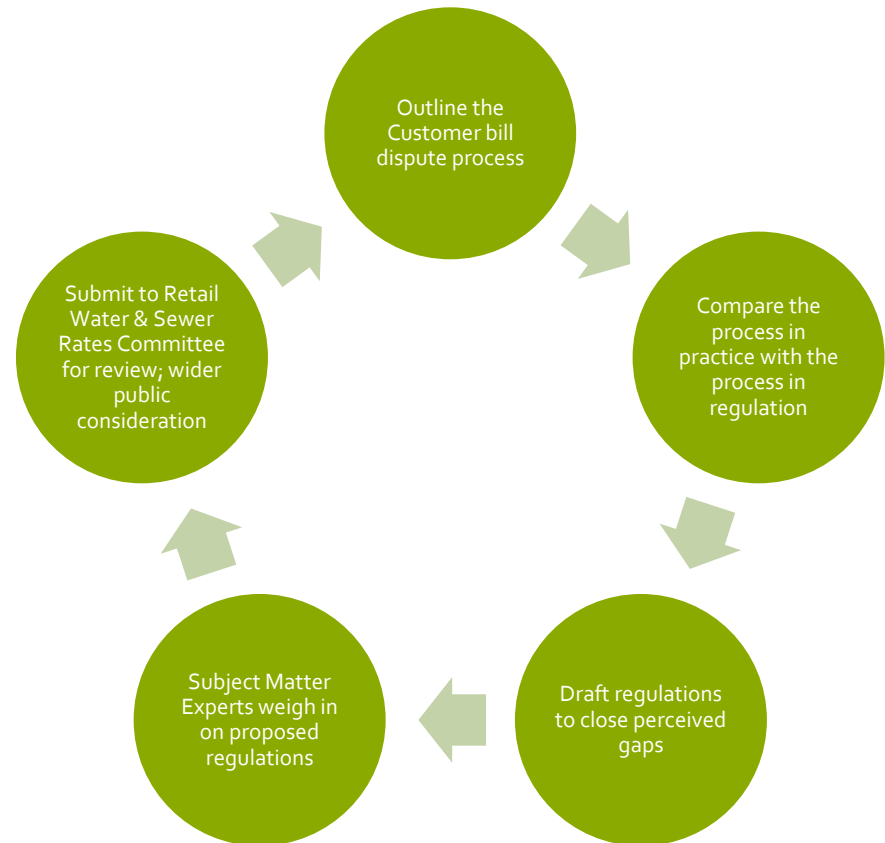
- This Act made key changes and statutorily codified DC Water’s bill challenge process:
 - Permits a customer to challenge a bill 20 calendar days after a bill is rendered.
 - Requires DC Water to notify customers disputing a bill that official challenges must be made in writing;
 - Requires DC Water to incorporate information on customer bills and DC Water’s website detailing how to contact the Office of People’s Counsel and DC Water’s customer service line related to bill inquiries; and
 - Requires DC Water print the date that a dispute must be received on the front of each bill.

PURPOSE AND NEED CONT'D

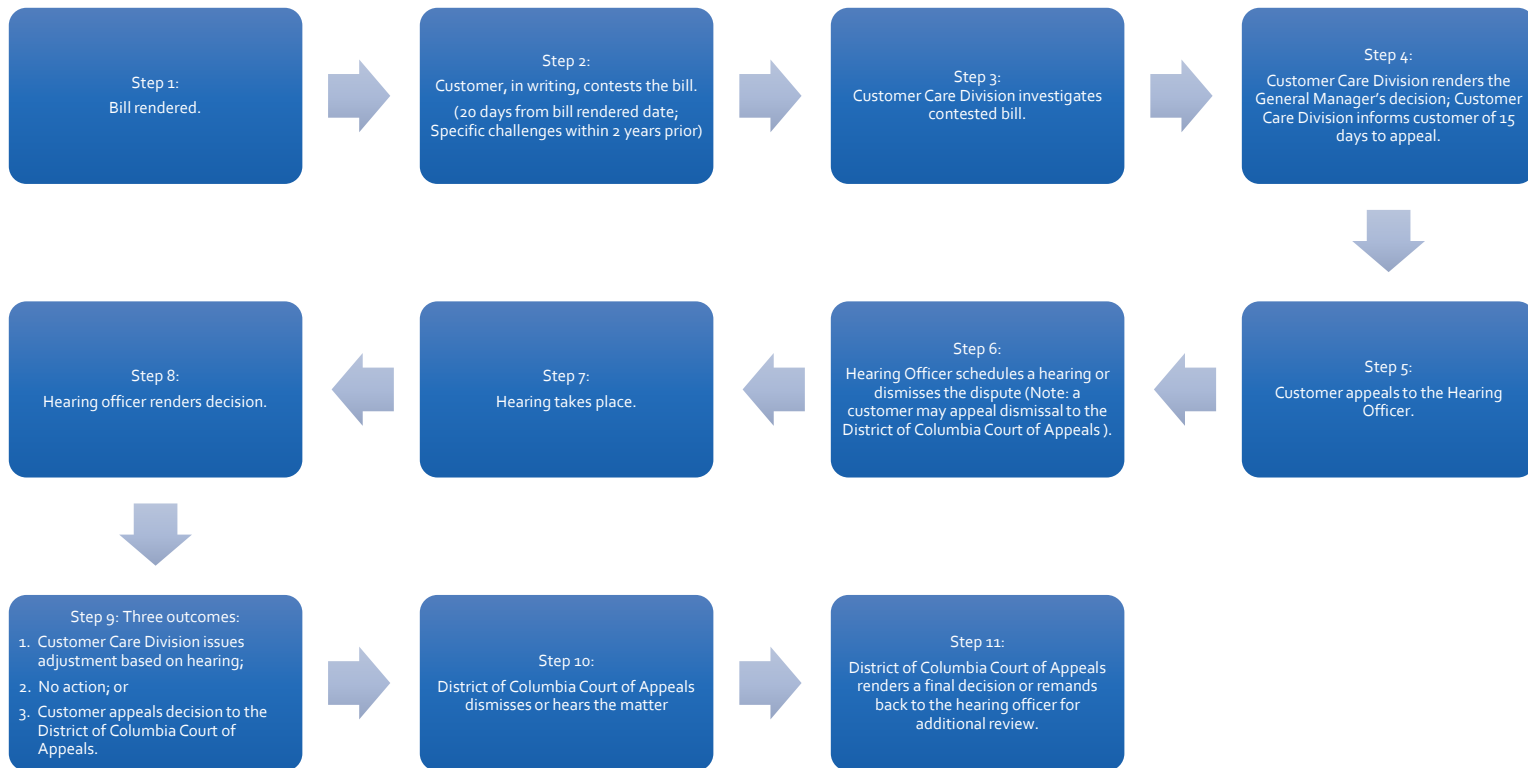
- While amending the DCMR to be consistent with the Omnibus Act, the Department of Government and Legal Affairs (“DGLA”) recognized opportunities to strengthen Chapter 4 by:
 1. Making the provisions clearer for pro se customers taking advantage of the bill challenge process;
 2. Codifying the reasonable practices of DC Water’s Customer Care Division; and
 3. Updating outdated and confusing procedures.

DGLA's Methodology

- Considered legal principals of notice, privacy, and reasonableness while redrafting Chapter 4.
- Engaged DC Water's Customer Care Division including the subject-matter experts in collections, meter services, and administrative hearing procedures.
- Curated feedback from public-facing subject-matter experts separate from the revision process but on matters germane to Chapter 4 revisions, including:
 1. The Office of the People's Counsel ("OPC") regarding clarity of the regulations and ease of filing bill disputes;
 2. The District of Columbia Office of Open Government regarding transparency and open hearings; and
 3. The Office of Tax and Revenue on lien procedures.



General Bill Contesting Process



Management Recommendations or Conclusion

- Management recommends that the committee recommend the following to the full Board for approval:
 - Action Item 3 - publication of the proposed amendments to the Contested Water and Sewer Bills regulations (21 DCMR § 400 *et seq.*) to revise the bill challenge regulations and other regulations to be consistent with the *DC Water Omnibus Amendment Act of 2020*, other DC laws, and current DC Water practice.

Conclusion and Next Steps

Rulemaking Schedule	Dates
Committee Update and Recommendation on Proposed Revisions to Regulations for 21 DCMR Chapter 4	July 27, 2021
Board Approval of Notice of Proposed Rulemaking (NOPR) to Amend 21 DCMR Chapter 4	September 2, 2021
Published NOPR in D.C. Register to Amend 21 DCMR Chapter 4	September 17, 2021
Outreach and Public Comment Period	September 17, 2021 – October 18, 2021
Present to Committee Comments and Final Recommendation to Amend Proposed Revisions to Regulations for 21 DCMR Chapter 4	October 26, 2021
Board Approval of Final Notice of Final Rulemaking (NOFR) to Amend 21 DCMR Chapter 4	November 4, 2021
Publish NOFR in D.C. Register	November 19, 2021
21 DCMR Chapter 4 Rules and Billing System Go-Live	November 19, 2021

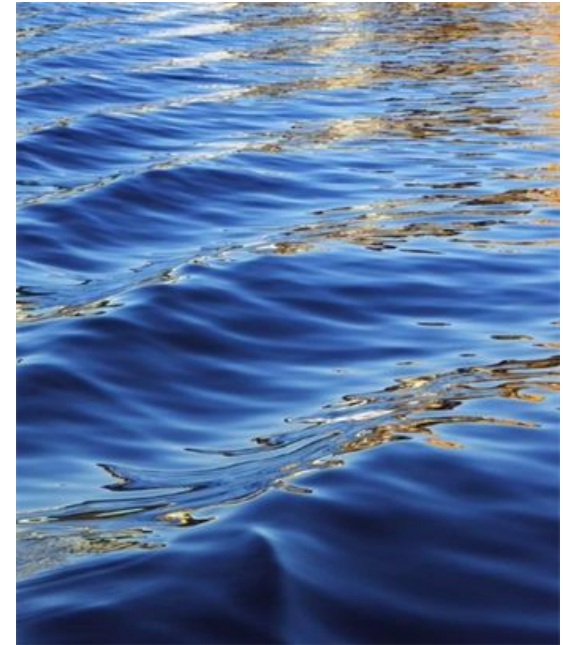
Questions?

Appendix



Amendments to Chapter Four

A Snapshot of Changes



AMENDMENTS

4.01. NOTICE OF RIGHT TO CHALLENGE BILLS, AND PRACTICABILITY AND IMMINENT THREAT DETERMINATIONS

- Clarifies that customers must file disputes separately for each bill.
- Aligns the adjustment process to crediting the account towards outstanding charges, then issuing refund, if requested.
- Adds information that must be included on customers' bills including:
 1. Contact information for DC Water's Customer Care Division
 2. Contact information for the Office of the People's Counsel, and
 3. The date by which a customer must submit a billing dispute.
- Permits a customer to request written statement of billing for up to 2 years period as opposed to 18 months, in accordance with the erroneous payment statute. (DC Official Code § 34-2401.10).

4.02 INITIATING A CHALLENGE

- Separates disputes into two categories and clarified the types of disputes customers may raise during the bill dispute process:
 1. Disputes based on usage such as meter accuracy, malfunctions, and leaks (4.02.1(a)) within 20 days;
 2. Disputes regarding billing charges not covered by section 4.02.1(a), such as erroneous classification due to failure of DC Water to change classification after receiving notice of change by customer, misapplication of account credits, incorrect impervious area, incorrect meter size, or payments applied to the wrong account. These disputes may be raised within 2 years. In accordance with, DC Official Code § 34-2401.10, pertaining to erroneous payments.
- Both dispute categories permit the customer to withhold payment if raised within 20 days of the bill date.

AMENDMENTS

403. INVESTIGATION OF CHALLENGED BILL

- Clarifies that the owner or occupant will not be subject to any penalty, interest charge or termination of service for nonpayment of the disputed bill until the owner or occupant has been advised in writing of the results of the bill investigation.
- Outlines the new actions DC Water may take when investigating a bill dispute:
 1. Removing and testing meters;
 2. Review the accuracy of account status; and
 3. Request plumber report when there are suspected leaks.

405. ADJUSTMENT FOR METER OR COMPUTATION ERRORS

- Makes the testing results for meters based on overread as a practical matter (if underread, there will not be a change on the account).
- Establishes an alternative bill adjustment process based on the first comparable billing period after a new meter has been replaced (example: a new customer; a school customer – not as active in summer months).

AMENDMENTS

407. ADJUSTMENT FOR LEAKS WHICH OCCUR BETWEEN THE METER AND THE STRUCTURES THAT ARE SERVED BY THE METER AND FOR UNDERGROUND LEAKS

- Clarifies that meters must be issued by DC Water in order for DC Water to make repairs to meter leaks.
- Changes the term of art from “public space” to a phrase that is consistent with DC Water regulations and caselaw: “infrastructure for which the owner or occupant is responsible for maintaining and repairing”.
- Establishes that the occupant must request an adjustment for leaks, provided that the adjustment is limited to the period during the investigation and not to exceed 30 calendar days after the investigation report is issued.
- Strikes a non-existent form. (Form ES-138)

409. NOTICE OF INVESTIGATION RESULTS AND ADJUSTED BILLS

- Updates the method to transmit the notice of investigation results and adjusted bills to include email where an email address is on the account.
- Codifies the practice of notifying the customer of the adjustment – as opposed to providing an “amended bill” which is not practical.
- Specifies that the 15 calendar days the owner or occupant has to appeal the General Manager’s Decision is 15 “calendar” days *of the date of the decision*.
- Clarifies that any credits resulting from after adjusting a bill will first be applied to outstanding account balance before a refund can be requested.

AMENDMENTS

416. DISMISSAL OF HEARINGS

- Permits DC Water to request dismissals via written motion or orally during a hearing.
- Establishes time requirements (14 calendar days) for the opposing party to draft a motion in opposition, to a motion to dismiss.
- Clarifies a hearing officer discretion to grant a motion to dismiss when a petitioner fails to appear without good cause.

417. SERVICE OF DOCUMENTS

- Updates the service delivery to include email.

AMENDMENTS

420. HEARINGS

- Clarifies that hearings are open to invitees of the disputing party.
- Clarifies District of Columbia Code citations.

421. ARGUMENT BEFORE THE HEARING OFFICER

- Updates the method of preserving the record by indicating that a hearing will be “recorded” instead of “transcribed”. This is the current method DC Water utilizes.

422. FINAL DECISIONS

- Strikes usage of the procedure that details “escrow” and the current issuance of a refund check, since this procedure could be perfected and updated by creating a new process.
- Creates a new procedure for overcharges and adjustments:
 - Details that any overcharge will be credited to the account and applied first to any outstanding account balances.
 - Requires the customer to initiate a request for refunds (check) as opposed to automatically issuing a refund check. This practice will make the principal method of account adjustments be account credits. However, the credit or any subsequent refund will be issued *after* any outstanding account balance has been paid.
 - Establishes that credits on the account will remain on the account while the customer “draws down” on the credit with each subsequent bill.

AMENDMENTS

424. TRANSCRIPTS OF HEARING

- Specifies that the party requesting the transcript will bear the costs of providing transcripts for hearings.
- Amends the provision for setting transcript rates to be based on the costs DC Water incurs to generate such a transcript.

425. TERMINATION OF WATER AND SANITARY SEWER SERVICES FOR NONPAYMENT

- Expanded the General Manager's discretion to consider whether a customer has applied for or is eligible for customer assistance programs. This addition is a current policy now codified.

AMENDMENTS

427. REAL PROPERTY LIENS AND TAX SALE

- Updates time period for customers to pay their bill in full or make payment arrangements from 10 working days to 14 calendar days before DC Water files a certificate of delinquency with the Recorder of Deeds;
- Expanded types the evidence needed by a customer to show they occupy a "single-family home", including:
 - Affidavit attesting that they reside in the single-family home, or
 - Proof of the Homestead Deduction as evidence the owner resides in the single-family home. NOTE: The requirements of receiving the Homestead Deductions are the same that would exempt the owner from tax sale (see DC Official Code § 47-1332 (c)(3)).

431. NOTICE TO TENANTS

- Updates notice requirements for water termination to 14 calendar days' notice (formerly 10 working days).
- Revised manner of posting notice on the outside of the building as opposed to being sent to the authorized tenant in the building. This practice applies to tenants of single-family homes as well as multifamily buildings.
- Clarify District of Columbia Code citations.

499. DEFINITIONS

- Defines meters, consistent with the definition in Chapter 3. Meters.
- Defines "single-family home" to clarify lien and tax sale provisions.
- Updates "DC WASA" to "DC Water" to align with the 2010 rebranding efforts.

Proposed Regulations Redline

Attachment E

DC Retail Water and Sewer Rates Committee

Action Items

1. Recommends Approval of Proposal to Amend Retail Sewer Rate Regulations to Establish High Flow Filter Backwash Wastewater Sewer Rate (Action Item 1)
2. Recommends Approval of Proposal to Amend CAP Regulations to Extend DC Water Cares Residential Assistance Programs (Action Item 2)
3. Recommends Approval of Proposal to Amend CAP Regulations to Extend DC Water Cares Multi-family Assistance Programs (Action Item 3)
4. Recommends Approval of Proposal to Amend 21 DCMR Chapter 4 for Bill Challenge Regulations and Other Rules to be Consistent DC Water Omnibus Amendment Act of 2020 and other DC Laws (Action Item 4)

Action Item 1

**DC RETAIL WATER AND SEWER RATES COMMITTEE
PROPOSED HIGH FLOW FILTER BACKWASH SEWER RATE**

DC Water requests the DC Retail Water and Sewer Rates Committee recommend to the Board of Directors the publication of the proposed amendments to the Rates and Charged for Sewer Service Regulations to establish a High Flow Filter Backwash sewer rate consist with the Cost of Service Study, dated May 20, 2021, and as shown below:

Section 4101, RATES AND CHARGES FOR SEWER SERVICE, of Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21 DCMR, WATER AND SANITATION, shall be amended as follows:

4101 RATES AND CHARGES FOR SEWER SERVICE

4101.8 High Flow Filter Backwash Wastewater retail sewer rate shall be three dollars and three cents (\$3.03) per Ccf (\$4.051 per 1,000 gallons) and applicable to the following conditions:

- (a) the discharge must exceed an annual average of one (1) million gallons per day (MGD), but not more than an annual average of ten (10) MGD;
- (b) the discharge must be interruptible and only occur during periods of dry weather flow, as determined by DC Water; and
- (c) the discharge is subject to a wastewater discharge permit.

This rulemaking will be effective upon publication of the Notice of Final Rulemaking in the *D.C. Register*.

The proposed rulemaking schedule shall be as follows:

July 27, 2021	Presentation of proposal to Retail Rates Committee (RRC)
July 27, 2021	RRC recommend approval to amend retail sewer rates regulation to establish new filter backwash sewer rate
Sept. 2, 2021	BOD Approval of NOPR
Sept. 17, 2021	Publish NOPR in the <i>D.C. Register</i>
Sept. 17-Nov. 15, 2021	Public Comment period
Nov. 10, 2021	Public Hearing
Nov. 15, 2021	Public Comment period closes
Nov. 16, 2021	Present response to comments & final proposal to RRC
Nov. 30, 2021	Post Response to Comments Report on DC Water Website
Dec. 2, 2021	BOD Approval of NOFR
Dec. 17, 2021	Publish NOFR in the <i>D.C. Register</i>
Dec. 17, 2021	High Flow Filter Backwash Wastewater Sewer Rate Go-live

Action Item 2

Notice of Emergency and Proposed Rulemaking to Extend DC Water Cares: Residential Assistance Program for FY 2022

Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is amended by adding a new Subsection 4102.9 to read as follows:

4102.9 DC Water Cares Emergency Relief Program for Low-Income Residential Customers

- (a) Participation in the DC Water Cares Emergency Relief Program (DC Water Cares) shall be limited to a single-family or individually metered low-income Residential Customer that meets the following eligibility requirements:
 - (1) The applicant maintains an active DC Water account and is responsible for paying for water and sewer services; and
 - (2) DOEE has determined that the applicant's annual household income is equal to or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia, not capped by the United States median low-income limit.
- (b) An approved customer shall receive the following benefits:
 - (1) Credit of one hundred percent (100%) off of the past due water and sewer bill balance; and
 - (2) The total amount of credits provides shall not exceed Two Thousand (2,000) dollars during Fiscal Year 2022.
- (c) Upon DC Water's receipt of notice from DOEE that the applicant meets the financial eligibility requirements, DC Water shall provide the credits to the customer's account from the date that DOEE accepts a completed application and for future qualifying events that may lead to collection activities to the end of the fiscal year in which the application was submitted.
- (d) The DC Water Cares Emergency Relief Program shall terminate on September 30, 2022.
- (e) Customer that received DC Water Cares benefits in FY 2021 must submit a renewal CAP or CAP2 application to DOEE to receive DC Water Cares benefits in Fiscal Year 2022.

- (f) If DC Water determines that the remaining budgeted funds are insufficient to provide DC Water Cares benefits, DC Water may:
 - (1) Suspend the process for accepting DC Water Cares applicants; or
 - (2) Suspend or adjust providing DC Water Cares benefits to eligible recipients.

This rulemaking will be effective upon Board adoption of the Notice of Emergency and Proposed Rulemaking (NOEPR) for 120 days or upon publication of the Notice of Final Rulemaking (NOFR) in the *D.C. Register*.

The proposed rulemaking schedule shall be as follows:

July 27, 2021	Presentation of proposal to D.C. Retail Water & Sewer Rates Committee (RRC)
July 27, 2021	RRC recommendation for Board approval of proposed amendments to CAP regulations to extend DC Water Cares RAP program for FY 2022 and publication of NOEPR
Sept. 2, 2021	BOD Approval of NOEPR
Sept. 17, 2021	Publish NOEPR in the <i>D.C. Register</i>
Sept. 17- Nov. 15, 2021	Public Comment period begins
Oct. 1, 2021	Implement extended DC Water Cares RAP Program for FY 2022
Nov. 10, 2021	Public Hearing
Nov. 15, 2021	Public Comment period closes
Nov. 16, 2021	Present response to comments & final proposal to RRC
Nov. 16, 2021	RRC recommendation for Board approval and adoption of final amendments to CAP regulations to extend DC Water Cares RAP program for FY 2022 and publication of NOFR
Nov. 30, 2021	Post Response to Comments Report on DC Water Website
Dec. 2, 2021	BOD Approval and Adoption of NOFR
Dec. 17, 2021	Publish NOFR in the <i>D.C. Register</i>
Dec. 17, 2021	Continue implementing DC Water Cares RAP program

Action Item 3

Notice of Emergency and Proposed Rulemaking to Extend DC Water Cares: Multifamily Assistance Program for FY 2022

Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is amended by adding a new Subsection 4102.10 to read as follows:

4102.10 DC Water Cares: Multifamily Assistance Program (MAP)

- (a) The DC Water Cares: Multifamily Assistance Program (MAP) provides up to two thousand (\$2,000) per eligible unit of emergency relief to an eligible Occupant residing in a participating Multi-Family Customer's premises.
- (b) For purposes of this subsection, Non-Residential Customers whose premises has four or more dwelling units, are deemed Multi-Family Customers, as defined in 21 DCMR 4104, and eligible to apply to participate in the MAP.
- (c) For purposes of this subsection, the term "Occupant" includes a person that resides in a dwelling unit in an apartment, condominium, or cooperative housing association.
- (d) Multi-Family Customers and their eligible Occupants may participate in the MAP by complying with the requirements in this subsection.
- (e) To participate in the MAP, a Multi-Family Customer shall:
 - (1) Maintain an active DC Water account and be responsible for paying for water and sewer services at a Multi-Family Customer's property that is:
 - (A) Not owned or operated by the District of Columbia or
 - (B) Not owned or operated by the Federal Government.
 - (2) Have one or more eligible Occupant in an active lease or rental agreement, condominium housing association deed or title, or cooperative housing association occupancy agreement or title to reside in their premises;
 - (3) Complete and submit a DC Water Cares: Multifamily Assistance Program Terms and Conditions Application and comply with DC Water requests for information and access to the premises as necessary to determine compliance with the MAP requirements;

- (4) Upon approval to participate in the MAP, comply with all the MAP Terms and Conditions, post the MAP flier in a conspicuous location in the building or include the MAP flier in a notice or invoice to all unit Occupants to inform the Occupants about the MAP and encourage them to apply for assistance, if eligible;
 - (5) Upon receipt of MAP Credits, apply ninety percent (90%) of the MAP Credits to the DC Water approved eligible Occupant's account within thirty (30) days of receipt of the MAP Credit, and the remaining ten percent (10%) shall be maintain as a credit on the DC Water account;
 - (6) Notify the eligible Occupant in writing that the credits were applied to their account within thirty (30) days of the receipt of the MAP Credit;
 - (7) Enter a payment plan agreement with DC Water for any remaining arrears outstanding on the DC Water account within sixty (60) days of receipt of the first MAP Credits;
 - (8) Notify DC Water within thirty (30) days of any change in ownership or the eligible Occupant's occupancy.
- (f) To be eligible to participate in the MAP, an Occupant shall be (1) named on the occupancy agreement, including, but not limited to a lease or rental agreement, condominium deed or title, or cooperative housing association occupancy agreement or title, (2) reside in a Multi-Family Customer's property that is master metered and approved to participate in the MAP, and (3) meet one of the following requirements:
- (1) Reside in an Affordable Housing Unit as defined in 21 DCMR § 199.1, provided the Occupant does not notify DC Water to be excluded from receiving MAP assistance within ten (10) days of receipt of notice of eligibility from DC Water; or
 - (2) Meet the annual household income limits equal to or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia, not capped by the United States median low-income limit as follows:
 - (A) Occupant submits a Resident Application for DC Water Cares: Multifamily Assistance Program to the District of Columbia Department of Energy and Environment (DOEE) and DOEE determines that the applicant meets the annual household income requirements;

- (B) Occupant that is eligible to receive Low-Income Energy Assistance Program (LIHEAP) or Utility Discount Program (UDP) assistance during Fiscal Year 2022 as determined by DOEE, shall be categorically eligible to participate in the MAP, provided they do not notify DC Water to be excluded from participating within ten (10) days of receipt of the notice of eligibility from DC Water; or
 - (C) Occupant that is eligible to receive assistance for public benefits programs during Fiscal Year 2022, including, but not limited to, the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), or medical assistance programs, through Medicaid, Alliance and DC Healthy Families programs as determined by the District of Columbia Department of Human Services, shall be categorically eligible to participate in the MAP, provided they notify DC Water that they agree to participate in the MAP within ten (10) days of receipt of the notice of eligibility, but not later than September 21, 2022.
- (3) Occupant is not eligible to receive MAP assistance if they:
- (A) Reside in a dwelling unit that is 100% subsidized.
- (g) DC Water shall notify the approved Multi-Family Customer and approved Occupant(s), setting forth the amount of the approved MAP Credits.
- (h) DC Water shall apply up to two thousand dollars (\$2,000) in MAP Credits per eligible unit during Fiscal Year 2022 on an approved Multi-Family Customer's DC Water account that has one or more eligible Occupant as follows:
- (1) The MAP Credits provided per eligible unit shall be calculated based on the greater of A. or B., which is then divided by the total number of dwelling units in the premises:
 - (A) The average of the Multi-Family Customer's DC Water charges billed from October 1, 2020 to September 30, 2021 subtracting any amount of water and sewer charges applicable to any retail/commercial units and that result is multiplied by three (3); or
 - (B) Total amount of the outstanding balance on the Multi-Family Customer's DC Water account as of September 30, 2021

subtracting any water and sewer charges applicable to any retail/commercial units.

- (2) DC Water shall revoke the amount of the MAP Credits applied to a Multi-Family Customer's DC Water account and charge the customer's account the full amount of the MAP Credits, if one or more of the following violations is not corrected within ten (10) days of the date of the notice of violation from DC Water:
 - (A) Failure to comply with the MAP Terms and Conditions;
 - (B) Failure to enter into a payment plan agreement within sixty (60) days of the receipt of the first MAP Credits to establish a payment schedule for any remaining outstanding charges;
 - (C) Failure to apply the MAP Credits to the Occupant's account within thirty (30) days of receipt of the MAP Credits; or
 - (D) Multi-Family Customer or Occupant commits fraud or makes false statements in connection with the MAP.
- (i) Multi-Family Customer that receives MAP Credits on their DC Water account shall:
 - (1) Apply ninety percent (90%) of the total MAP Credits for the approved Occupant on their account within thirty (30) days of the date of the notice of the amount of the Credits from DC Water, and the remaining ten percent (10%) shall be maintain as a credit on the DC Water account;
 - (2) Notify the approved Occupant, in a statement or separate writing, that the credit has been applied to their account within thirty (30) days of receipt of the MAP Credits from DC Water;
 - (3) Notify DC Water within thirty (30) days of any change in ownership if DC Water has not applied the MAP Credits to the Multi-Family Customer's DC Water account;
 - (4) Notify DC Water within thirty (30) days of any change in the Occupant's occupancy if the MAP Credits have not been applied to the Occupant's account;
 - (5) Provide the Occupant any MAP Credits remaining in their account if the Occupant terminates their occupancy;

- (6) Provide, upon DC Water's request, documentation confirming that the MAP Credits have been applied to the Occupant's account;
 - (7) Provide DC Water access to the premises and records to conduct an audit to determine compliance with these regulations and the MAP Terms and Conditions; and
 - (8) Maintain all documents related to the MAP Terms and Conditions Application, receipt and handling of MAP Credits, and notices to approved Occupant(s).
- (j) The DC Water Cares MAP shall terminate September 30, 2022.
- (k) Multi-Family Customer that received MAP Credits in FY 2021 must submit a renewal DC Water Cares: Multifamily Assistance Program Terms and Conditions Application to DC Water to receive MAP Credits in Fiscal Year 2022.
- (l) Occupant residing in multifamily properties that received MAP Credits on their account in FY 2021 must submit a renewal Resident Application for DC Water Cares: Multifamily Assistance Program to DOEE to receiving MAP Credits in Fiscal Year 2022.
- (m) If DC Water determines that budgeted funds are insufficient to provide DC Water Cares MAP Credits, DC Water may:
- (1) Suspend the process for accepting DC Water Cares MAP applications; or
 - (2) Suspend or adjust providing DC Water Cares MAP Credits to eligible Multi-Family Customer's DC Water account.
- (n) DC Water shall notify a Multi-Family Customer or Occupant if they are denied eligibility for the MAP by issuing a Notice of Denial, which shall contain a written statement of the basis for the denial and advising the Multi-Family Customer or Occupant of the following:
- (1) Multi-Family Customer or Occupant may challenge the denial of eligibility to participate in the MAP by:
 - (A) Submitting a written Request for Reconsideration within fifteen (15) days of the date of the Notice of Denial; and
 - (B) Providing a statement of the basis why they should be eligible and supporting documentation.

- (2) The General Manager shall review the Request for Reconsideration and make a final determination of eligibility.
- (3) The Multi-Family Customer or Occupant may request an Administrative hearing in writing, within fifteen (15) days of the date of the General Manager’s written final determination, if he or she is not satisfied with the General Manager’s determination; and
- (4) The Customer shall be notified in writing of the date and time of the Administrative Hearing, if requested.

This rulemaking will be effective upon Board adoption of the Notice of Emergency and Proposed Rulemaking (NOEPR) for 120 days or upon publication of the Notice of Final Rulemaking (NOFR) in the *D.C. Register*.

The proposed rulemaking schedule shall be as follows:

July 27, 2021	Presentation of proposal to D.C. Retail Water & Sewer Rates Committee (RRC)
July 27, 2021	RRC recommendation for Board approval of proposed amendments to CAP regulations to extend DC Water Cares MAP program for FY 2022 and publication of NOEPR
Sept. 2, 2021	BOD Approval of NOEPR
Sept. 17, 2021	Publish NOEPR in the <i>D.C. Register</i>
Sept. 17- Nov. 15, 2021	Public Comment period begins
Oct. 1, 2021	Implement extended DC Water Cares MAP program for FY 2022
Nov. 10, 2021	Public Hearing
Nov. 15, 2021	Public Comment period closes
Nov. 16, 2021	Present response to comments & final proposal to RRC
Nov. 16, 2021	RRC recommendation for Board approval and adoption of final amendments to CAP regulations to extend DC Water Cares MAP program for FY 2022 and publication of NOFR
Nov. 30, 2021	Post Response to Comments Report on DC Water Website
Dec. 2, 2021	BOD Approval and Adoption of NOFR
Dec. 17, 2021	Publish NOFR in the <i>D.C. Register</i>
Dec. 17, 2021	Continue implementing DC Water Cares MAP program

Action Item 4:

**DC RETAIL WATER AND SEWER RATES COMMITTEE
PROPOSED AMENDMENTS TO
21 DCMR CHAPTER 4 - CONTESTED WATER AND SEWER BILLS**

DC Water requests that the DC Retail Water and Sewer Rates Committee recommend to the Board of Directors the publication of the proposed amendment to 21 DCMR Chapter 4 – Contested Water and Sewer Bills to revise the bill challenge regulations and other rules to be consistent DC Water Omnibus Amendment Act of 2020, other DC Laws, and Current DC Water Practice, as shown below:

CHAPTER 4, CONTESTED WATER AND SEWER BILLS of Title 21 DCMR, WATER AND SANITATION, shall be amended as follows:

400. RIGHT TO CHALLENGE GENERAL MANAGER'S DECISIONS AND BILLS

- 400.1 The owner or occupant of the premises may contest any water bill, sanitary sewer service bill or groundwater sewer service bill rendered for the premises, or any determination of practicability made by the General Manager pursuant to Section 207 of this title, by following the procedures set forth in this Chapter.
- 400.2 The owner or agent of the owner may contest any determination of practicability made by the General Manager pursuant to Section 5403 of this title, or any determination of imminent threat made by the General Manager pursuant to Section 5405 of this title, by following the procedures set forth in this Chapter.
- 400.3 In all cases where a bill or a determination as to practicability made by the General Manager pursuant to Chapter 2 and Chapter 54 or a determination as to imminent threat pursuant to Chapter 54 is contested, the procedures set forth in this Chapter shall apply and take precedence of any inconsistent provisions of this title to the extent of that inconsistency.
- 400.4 Any owner or occupant shall have the right to inspect WASADC Water records regarding his or her account upon request during the normal business hours of the ~~Department~~DC Water.
- 400.5 An applicant or holder of a certificate to test backflow preventers may contest any decision by the General Manager to deny, suspend or revoke a certificate pursuant to § 5408 by following the procedures set forth in this Chapter.
- 400.6 A User may appeal a final decision made by the General Manager pursuant to Chapter 15 of this title by following the procedures set forth in this Chapter.
- 400.7 A Non-Residential Customer may appeal a determination issued by the General Manager denying a Zero FOG Discharge Exemption issued pursuant to Subsection 112.13 of this title by following the procedures set forth in this Chapter.

401. NOTICE OF RIGHT TO CHALLENGE BILLS, AND PRACTICABILITY AND IMMINENT THREAT DETERMINATIONS

- 401.1 Each water, sewer, and groundwater sewer service bill shall contain a written statement advising the owner or occupant of the following:
- (a) The owner or occupant may challenge the bill in accordance with the provisions of § 402, provided that the owner or occupant must timely challenge each bill separately for any challenges made under § 402.1 (a).must raised
 - (b) Upon receipt of a challenge to a water, sewer and groundwater sewer service bill, WASADC Water will investigate the bill;

- (c) If WASADC Water finds the bill to be erroneous, it shall adjust the bill accordingly and credit the account in accordance with section 409.4 of this chapter; as a credit to the account with the credit first being applied to any outstanding account balance and current charges however, at the discretion of the General Manager DC Water may issue a refund for any amounts that remain after the account balance is paid in full, and refund any overcharge paid as a credit to the account provided there are no arrears that may be reduced prior to applying said credit;
 - (d) The owner or occupant will not be subject to any penalty, interest charge or termination of service for nonpayment of the disputed bill until the owner or occupant has been advised in writing of the results of the investigation;
 - (e) The owner or occupant will be notified in writing of the results of the investigation;
 - (f) If the bill has not been paid, the owner or occupant will be notified in writing of the amount found to be due as a result of the investigation, and the date on which the bill shall be paid;
 - (g) The owner or occupant may request a hearing in writing, within fifteen (15) days of the date of the decision, if he or she is not satisfied with the decision of WASADC Water; and
 - (h) The owner or occupant may request a written statement of billing, for the most recent two (2) year eighteen (18) month billing and payment history of the account. Upon receipt of a written request, WASADC Water shall prepare this statement of billing within thirty (30) days.
- 401.2 Each determination of practicability made by the General Manager pursuant to § 207 of this title shall contain a written statement advising the owner or occupant of the following:
- (a) The owner or occupant may challenge the determination in accordance with the provisions of § 402;
 - (b) Upon receipt of a challenge to a determination of practicability, WASADC Water will investigate the determination; and
 - (c) The owner or occupant will be notified in writing of the results of the investigation and the date and time of any hearing, if required.
- 401.3 Each determination of practicability made by the General Manager pursuant to § 5403, each determination of imminent threat made by the General Manager pursuant to § 5405 and each denial, suspension or revocation of certification to test backflow preventers made by the General Manager pursuant to § 5408 shall contain a written statement advising the applicant or certificate holder of the following:
- (a) The owner or owner's agent, applicant or certificate holder may challenge the denial, suspension or revocation of certification in accordance with the provisions of § 402; and
 - (b) The owner or owner's agent, applicant or certificate holder shall be notified in writing of the date and time of any hearing, if required.

401.4 A determination issued by the General Manager denying a Zero FOG Discharge Exemption shall contain a written statement advising the customer of the following:

- (a) The Customer may challenge the denial in accordance with the provisions in Section 402;
- (b) The Customer may request a hearing in writing, within fifteen (15) days of receipt of the General Manager's written determination, if he or she is not satisfied with the General Manager's determination; and
- (c) The Customer shall be notified in writing of the date and time of any hearing, if requested.

402 INITIATING A CHALLENGE

402.1 An owner or occupant may challenge the ~~most recent~~ charges assessed by ~~WASA-DC Water~~ for water, sewer and groundwater sewer service, or any other billed service as follows by either:

(a) Billing disputes involving usage, meter accuracy, meter malfunction, or leaks, the owner or occupant may dispute the bill by:

~~(a1.)~~ Paying the current charges in the bill and notifying DC Water in writing, within ~~thirty-twenty~~ (3020) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or

~~(b2.)~~ Not paying the current charges in the bill and notifying DC Water in writing, within ~~thirty-twenty~~ (3020) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.

(b) All other disputes regarding billing charges not covered by section 402.1(a), such as erroneous classification due to failure of DC Water to change classification after receiving notice of change by customer, misapplication of account credits, incorrect impervious area, incorrect meter size, or payments applied to the wrong account, the owner or occupant may dispute those charges by:

(1) Paying the current charges in the current bill and notifying DC Water in writing, within two (2) years after the date of the alleged erroneous charges, the reason(s) why the current charge and any similar charges issued within two (2) years of the date of written notice of dispute is believed to be incorrect and that the current bill is being paid under protest; or

(2) Not paying the current charges in the bill and notifying DC Water in writing, within twenty (20) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect; or

(3) For issues related to misapplication of account credits or payments applied to the wrong account, notifying DC Water in writing, two (2) years of the misapplied

credit and/or payment, requesting a review of the account for misapplied credits and/or payments.

(c) Disputes under § 402.1(a) and § 402.1(b)(2), each bill challenge only applies to the current bill; the owner or occupant must file a separate dispute for each future bill.

(d) Disputes under § 402.1(b)(1):

(1) May be treated as continuous and will apply to future bills until the General Manager has issued a decision.

(2) The owner or occupant continues to pay the current monthly bill or the General Manager, at the General Manager's sole discretion, has agreed to a temporary billing arrangement.

(e) Disputes under § 402.1(b), DC Water may review bills rendered within two (2) years prior to the date of written notice of the dispute.

~~402.2 Challenges received after the thirty day (30) period as stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.~~

402.2 Challenges will be deemed to be filed untimely as follows:

(a) Challenges under § 402.1(a) will be untimely if made more than twenty (20) days after the bill date.

(b) Challenges under § 402.1(b)(1) will be untimely if made more than two (2) years after the bill date.

(c) Challenges under § 402.1(b)(2) will be untimely if made more than twenty (20) days after the bill date.

(d) Challenges under § 402.1(b)(3) will be untimely if made more than two (2) years after the misapplied credit and/or payment.

(e) Challenges made more than twenty (20) days under §§ 402.1(a)(2) and (b)(2) shall be subject to the imposition of a penalty for nonpayment of charges as provided in 21 DCMR 112 and/or termination of service for nonpayment.

(f) Challenges made more than twenty (20) days under § 402.1(a) may not be investigated as provided under Section 403.

- 402.3 Nothing in this section shall be interpreted to relieve the owner or occupant of responsibility for paying all previously or subsequently rendered, uncontested water, sewer and groundwater sewer service charges, penalties, interest, and administrative costs.
- 402.4 An owner or occupant may appeal a practicability determination made by the General Manager pursuant to Section 207 by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the notice required in § 207. This petition shall be filed in accordance with the requirements set forth in Section 412 of this chapter, "Petition for Administrative Hearing".
- 402.5 An owner or owner's agent may appeal a practicability determination made by the General Manager pursuant to Section 5403 by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the notice required in Section 5403. This petition shall be filed in accordance with the requirements set forth in Section 412 of this chapter "Petition for Administrative Hearing".
- 402.6 An owner or owner's agent may appeal a determination of imminent threat made by the General Manager pursuant to § 5405 by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the termination. This petition shall be filed in accordance with the requirements set forth in Section 412 of this chapter "Petition for Administrative Hearing."
- 402.7 Non-residential and multi-family owners or their agents may seek an impervious surface area charge adjustment under Subsection 402.1 if the owner or agent can establish that the property has been assigned to the wrong rate class, the impervious service area used in the computation of the charge is incorrect or if the ownership information is incorrect.
- 402.8 Non-residential and multi-family owners or their agents shall submit a site survey, prepared by a registered professional land surveyor, showing impervious surfaces on the site and other information that may be requested by [WASADC Water](#).
- 402.9 A User subject to the requirements of Chapter 15 of this title, may appeal any of the following final decisions made by the General Manager by filing a petition for an administrative hearing in accordance with the requirements set forth in Section 412 entitled "Petition for Administrative Hearing":
- (a) Determination that a Users uncontaminated non-wastewater flows are discharging to a sewer specifically designated as sanitary sewer;
 - (b) Determination regarding the issuance, revocation, or non-transferability of a Wastewater Discharge Permit, or the terms and conditions of a Wastewater Discharge Permit;
 - (c) Determination regarding the issuance, suspension, termination, or denial of a Temporary Discharge Authorization or Waste Hauler Discharge Permit, or the terms and conditions of a Temporary Discharge Authorization or Waste Hauler Discharge Permit; and

- (d) Determination regarding the suspension of water and sewer service due to an imminent danger to the environment or the operation or integrity of the District's wastewater system.

402.10 A Non-Residential Customer subject to the requirements of Subsection 112.13 of this title, may appeal the General Manager's determination denying a Zero FOG Discharge Exemption by filing a petition for an administrative hearing within fifteen (15) days of the date of the General Manager's written determination in accordance with the requirements set forth in Section 412 entitled "Petition for Administrative Hearing".

-403. INVESTIGATION OF CHALLENGED BILL

403.1 Upon receipt of a timely challenge to a water, sewer or groundwater sewer bill, WASADC Water shall suspend the obligation of the owner and occupant to pay the contested charges contained in the disputed bill ~~pending investigation, provided that an accounting of undisputed charges is rendered to the owner and occupant for the purpose of paying undisputed charges, and the owner or occupant will not be subject to any penalty, interest charge or termination of service for nonpayment of the disputed bill until the owner or occupant has been advised in writing of the results of the investigation.~~

403.2 As necessary to investigate the challenge, WASADC Water may:

- (a) Verify the computations made in the formulation of the water and sewer charges;
- (b) Verify the meter reading ~~for possible meter overread or doubtful registration;~~
- (c) If feasible, check the premises for leaking fixtures, underground invisible leaks, and house-side connection leaks;
- (d) Check the meter for malfunction by removing and testing the meter;
- ~~(e) Check the water cooled air conditioning system, if any, for malfunction; and~~
- (e) Review account to ensure accurate account status; and
- (f) Make a reasonable investigation of any facts asserted by the owner or occupant which are material to the determination of a correct bill.

403.3 DC Water may request that the customer submit a plumber's report stating that there are no leaks on the property and that no issues on private property are contributing to increase water usage.

404. REPORT AND ADJUSTMENT

404.1 Upon completion of the investigation, WASADC Water shall issue a written decision containing a brief description of the investigation and findings.

404.2 On the basis of the investigation and findings, WASADC Water shall make appropriate adjustments to the bill for water or sewer charges in accordance with the provisions of this Chapter.

405. ADJUSTMENT FOR METER OR COMPUTATION ERRORS

~~405.1 If the investigation discloses meter overread or faulty computation, adjustment(s) shall be made to reflect the correct charges, as indicated by the correct reading or corrected computations.~~

~~405.2 If the investigation reveals doubtful meter registration or possible meter malfunction, WASADC Water shall remove the meter and test it.~~

405.1 If the investigation discloses meter overread or faulty computation, adjustment(s) shall be made to reflect the correct charges, as indicated by the correct reading or corrected computations.

405.~~23~~ If the meter test results ~~of the tests under § 405.2 verify confirms~~ doubtful registration or meter overread ~~malfunction on a DC Water issued meter~~, the water and sewer service bill shall be adjusted to equal the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available.

405.~~34~~ If the meter test results ~~of the tests under § 405.2 verify confirms~~ doubtful registration or meter overread on a DC Water issued meter ~~malfunction~~, and the investigation concerns groundwater sewer service, the groundwater sewer service bill shall be adjusted to equal the average groundwater meter registration at the same premises for up to three (3) previous comparable periods for which records are available.

405.~~45~~ If records for up to three (3) previous comparable billing periods are not available, the bill shall be adjusted based on the actual usage for the first comparable billing period after the meter has been replaced, in accordance with the provisions of § 408.2.

406. ADJUSTMENT FOR HOUSEHOLD LEAKS OR AIR CONDITIONING MALFUNCTION

406.1 The repair of leaking faucets, household fixtures, and similar leaks, and the repair of malfunctioning water-cooled air conditioning equipment, are the responsibility of the owner or occupant.

406.2 If the investigation discloses leaking faucets, leaking fixtures, or similar leaks, no adjustment will be made to the bill for any portion of the excessive consumption attributable to those leaks.

406.3 If the investigation discloses a malfunctioning water-cooled air conditioning system, no adjustment will be made to the bill for any portion of the excessive consumption attributable to that air conditioning system malfunction.

407. ADJUSTMENT FOR LEAKS WHICH OCCUR BETWEEN THE METER AND THE STRUCTURES THAT ARE SERVED BY THE METER AND FOR UNDERGROUND LEAKS

- 407.1 When a meter leak is discovered due to a DC Water issued meter, the Authority shall make the repairs to the meter. A licensed plumber may make the necessary repairs at the expense of the Authority if the amount and nature of the repairs is approved in advance by the General Manager but only if the General Manager has not determined that the leak constitutes an emergency or unsafe condition.
- 407.2 If the investigation indicates a possible a leak in underground service pipe, ~~the~~ General Manager shall investigate the cause and location when notified of the possibility of leaks ~~in underground service pipe~~. If the investigation discloses a leak, other than a meter leak, of indeterminate location in the underground service, or at some other location where the leak is not apparent from visual or other inspection, the General Manager shall determine whether the leak is on public space, on private property, ~~or~~ on property that is under the control of the occupant, or the result of infrastructure for which the owner or occupant is responsible for maintaining and repairing.
- 407.3 If, pursuant to § 407.2 the leak is determined to have been caused by the Authority, or is determined to be ~~in the result of infrastructure for which the Authority is responsible for maintaining and repairing public space~~, the Authority shall repair the leak and the General Manager shall adjust the bill to equal the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. If the leak is determined to have been caused by the owner or occupant, no adjustment shall be made.
- 407.4 If, pursuant to § 407.2 the leak is determined to be on private property or on property that is under the control of the owner or occupant, or the result of infrastructure for which the owner or occupant is responsible for maintaining and repairing, the owner or occupant shall repair the leak. The General Manager may, at ~~his~~ their discretion, upon request of the owner, adjust the disputed bill and any bills issued during the investigation for a (s) for period not to exceed (30) calendar days and the periods during which the leak occurred following the issuance of the bill investigation report.
- 407.5 The adjusted amount, in accordance with 407.4, shall not by an amount not to exceed 50% of the ~~_____~~ excess water usage ~~over the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. The General Manager may take _____~~ the following into consideration in determining whether there should be a reduction in the bill(s):
- (a) There has been no negligence on the part of the owner or occupant in notifying ~~the Department DC Water~~ of unusual conditions indicative of a waste of water;
 - (b) The owner has ~~taken steps to have the repaired the leak repaired promptly within 30 calendar days after the bill investigation report is issued to the owner or occupant, upon discovery of a leak on private property;~~
 - (c) The owner provides evidence that repairs have been made and that those repairs were performed by a licensed District of Columbia master plumber in accordance with the rules and regulations of the District of Columbia Department of Consumer and Regulatory Affairs ~~Repairs have been made by a District registered plumber and approved by the Chief, Plumbing Inspection Branch, Department of Consumer and Regulatory Affairs, or his or her designee in accordance with D.C. Code § 8-205;~~

~~(d) Form ES-138 has been obtained from the Authority, completed in full, signed by the owner or occupant, and certified by the plumber who made the repairs; and~~

(e) The request for adjustment has been made ~~promptly~~ in accordance with § 402.1 (a).

407.6 The General Manager may, at ~~his~~-~~their~~ discretion, adjust up to 100% of the excess sewer charges resulting from an underground leak if it is determined that the excess water usage did not enter the wastewater system.

~~407.7~~ 5 No Adjustment shall be made if the leak is determined to have been caused by the owner or occupant.

408. INCONCLUSIVE FINDINGS

408.1 In cases in which all checks and tests result in inconclusive findings that provide no reasonable explanation for excessive consumption, no adjustment shall be made to the bill for any portion of the excessive consumption, except as may be approved ~~by~~ at the sole discretion of the General Manager, based upon a demonstration by the owner or occupant that such an adjustment will further a significant public interest.

409. NOTICE OF INVESTIGATION RESULTS AND ADJUSTED BILLS

409.1 After reviewing the report and making any adjustments to the water or sewer service charges, in accordance with the provisions of this Chapter, the Authority shall mail or email, where an email address is available on the account, ~~w~~ritten notice of the following to the owner or occupant:

(a) The results of the investigation; and

(b) ~~If the an adjustment is warranted bill has been adjusted, the amount of the adjustment. an amended bill reflecting any adjustment(s) made.~~

409.2 An owner or occupant may appeal the General Manager's decision by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the decision.

409.3 The new date for payment of the original or adjusted bill, as set forth in the notice, shall not be less than fifteen (15) days after the mailing date of the notice.

409.4 If the original bill was paid and an adjustment ~~has been made~~ is warranted:

(a) ~~†~~ The amount of the overcharge shall be credited to the account and applied first to any outstanding account balance;

(b) If after the adjustment and any outstanding account balance has been paid, the customer may request however, at the discretion of the General Manger DDC Water to may issue a refund for any credit balance amounts that remains after the account balance is paid in full. refunded to the party who paid the bill as a credited to the account with the credit

~~first being applied to any outstanding account balance provided there are no arrears that may be reduced prior to applying said credit.~~

~~(c) If after the adjustment and any outstanding account balance has been paid, the customer does not request a refund, any credit will remain on the account and applied to future charges.~~

409.5 The notice shall also inform the ~~challenging owner or occupant~~party of the right to appeal the determination and bill (or amended bill) set forth in the notice, and shall set forth the following:

- (a) The requirements for filing the appeal under § 410.2; and
- (b) If an appeal is filed, there will be no penalty or service cut-off for non-payment of the bill until the appeal has been considered and he or she has been notified in writing of the results of the appeal and a new date for payment

410. ADMINISTRATIVE HEARINGS

410.1 The purpose of hearings held under this Section is to provide the petitioner with an opportunity to appeal the decision of the General Manager pertaining to:

- (a) The validity of any water, sewer or groundwater sewer service charge;
- (b) The practicability determination made pursuant to Section 207 of Chapter 2 regarding metering of groundwater flows;
- (c) A practicability determination made pursuant to Section 5403 of Chapter 54 regarding the installation of backflow preventers to prevent cross connections;
- (d) An imminent threat determination made pursuant to Section 5405 of Chapter 54;
- (e) A denial, suspension, or revocation of a certificate to test backflow preventers pursuant to Section 5408 of Chapter 54;
- (f) The determination that a User's uncontaminated non-wastewater flows are discharging to a sewer specifically designated as sanitary sewer;
- (g) Issuance, revocation, or non-transferability of a Wastewater Discharge Permit, or the terms and conditions of a Wastewater Discharge Permit;
- (h) Issuance, suspension, termination, or denial of a Temporary Discharge Authorization or Waste Hauler Discharge Permit, or the terms and conditions of a Temporary Discharge Authorization or Waste Hauler Discharge Permit;
- (i) Suspension of water and sewer service due to an imminent danger to the environment or the operation or integrity of the District's wastewater system; ~~and~~

(j) The Zero FOG Discharge Exemption determination that a Food Service Establishment has the potential to discharge oil and grease laden wastewater to the District's wastewater system; and -

(h) Any other decision under this Title that explicitly grants the right to appeal the General Manager's decision.

410.2 The rules of procedure set forth in this Section shall govern the form, content and filing of requests for a hearing to contest water, sewer and groundwater service charges, interest, penalties, fees and determinations of practicability made pursuant to Chapter 2.

410.3 ~~The p~~Petitioner shall have the right to do the following:

- (a) Represent themselves~~himself or herself~~ or be represented by an attorney;
- (b) To present their~~his or her~~ case or defense by oral or documentary evidence;
- (c) To submit ~~the~~ evidence in rebuttal; and
- (d) To conduct a cross-examination as may be required for a full disclosure of the facts.

~~411.~~ COMPUTATION OF TIME

411.1 ~~In computing~~The computation of any period of time prescribed or allowed by this Chapter, by notice, order, rule or regulation to WASA DC Water, or by statute, shall not include the day of the act, event, bill, notice or default. ~~after which the designated period of time begins to run is not to be included.~~

411.2 The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until midnight of the next day which is not a Saturday, Sunday, or legal holiday.

411.3 Whenever a party is required to serve papers or do some act within a prescribed period, and does so by mail, three (3) days shall be added to the prescribed period.

411.4 Days as used in this chapter shall refer to calendar days unless otherwise specified.

412. PETITION FOR ADMINISTRATIVE HEARING

412.1 An owner or occupant may file a petition for an administrative hearing to review the decision of the General Manager within fifteen (15) calendar days of the date of the decision.

412.2 A petition for an administrative hearing shall be made in writing within fifteen (15) calendar days of the date of the notice specified by § 409.1 of this Chapter.

412.3 Petitions for review shall be filed with:

District of Columbia Water and Sewer Authority
ATTN: Administrative Hearings
1385 Canal Street SE
Washington, DC 20003~~WASA~~
~~810 First Street, N.W.,~~
~~Washington, D.C. 20002.~~

413. SURETY BOND/DEPOSIT

413.1 The owner or occupant shall post a surety bond or deposit, equal to not less than one-half (1/2) of the outstanding water, sewer, or groundwater sewer service charges, penalties, and interest owed at the time the request for administrative hearing is made.

413.2 The requirement to post a surety bond or deposit shall not apply to an owner who occupies the ~~single-family~~single-family house where the contested charges were incurred.

413.3 The deposit shall be in the form of a certified check or money order. The deposit shall be placed in an escrow account and accrue interest. The interest rate shall be determined based on the Annualized Treasury Bill Yield Rate, which is published in nationally circulated newspapers, including the Washington Post and the New York Times. If more than one rate is published, the lowest rate shall be used.

413.4 A surety bond shall accrue interest only if it is in a form that is equivalent to cash.

413.5 Upon receipt of the surety bond or deposit, the portion of the water and sewer charges being challenged shall not be subject to penalty or interest, and service shall not be terminated for non-payment of the contested charges, until a final decision has been rendered.

413.6 The owner or occupant shall pay all charges not in dispute within thirty (30) days of the date that the bill for such charges is rendered.

414. HEARING OFFICERS

414.1 Upon the filing of a request for hearing, the General Manager may conduct a hearing or assign a hearing officer (“hearing officer”) to the case. Thereafter, all motions and procedural requests shall be addressed to the hearing officer.

414.2 No hearing officer shall conduct a hearing in a proceeding in which he or she is prejudiced or partial with respect to any owner or occupant, or where that officer has any interest in the matter pending for decision.

414.3 No hearing officer shall have the authority to overrule any law or regulation of the District of Columbia.

414.4 The hearing officer shall have the following powers:

- (a) To give notice concerning hearings;
- (b) To administer oaths and affirmations;
- (c) To examine witnesses and to take testimony;
- (d) To issue subpoenas and order the parties to submit documents or other evidence;
- (e) To request that investigative reports be prepared by [WASADC Water](#) in instances where the reports do not exist;
- (f) To grant requests for discovery, if the discovery is necessary for the disposition of the appeal;
- (g) To rule upon offers of proof and to receive relevant evidence;
- (h) To regulate the course and conduct of hearings;
- (i) To hold conferences, before or during a hearing, for the settlement or simplification of issues;
- (j) To rule on motions and to dispose of procedural requests or similar matters;
- (k) To issue final decisions as provided in this Section or by law;
- (l) To adjust the charges for water, sewer, and groundwater sewer service based upon facts adduced at hearings held pursuant to this Chapter;
- (m) To adjust the charges for groundwater sewer service based upon a challenge to a determination of practicability made pursuant to § 207; and
- (n) To take any other action authorized by this Chapter, the Administrative Procedure Act, or by any other applicable statute, rule or regulation.

415. SCHEDULING OF HEARING/DEFAULT JUDGMENT

415.1 The hearing officer shall set the date, time and place of the hearing.

415.2 The hearing officer may agree to reschedule the hearing upon the written request of one of the parties for good cause shown or upon the consent of all parties.

415.3 The failure to appear at the scheduled hearing or to request, in advance, that the scheduled hearing be postponed, may result in a default judgment.

415.4 The hearing officer may issue a final order affirming the imposition of any charges, fines, interest and penalties that the ~~DC Water~~[DC Water Utility](#) has assessed against the property by default.

415.5 Failure to comply with the conditions imposed by the hearing officer may result in the entry of a default judgment.

416. DISMISSAL OF HEARINGS

416.1 A petitioner may request a dismissal by filing a written ~~petition~~motion with the hearing officer or orally requesting dismissal at the hearing.

416.2 DC Water may request a dismissal by filing a written motion with the hearing officer or orally requesting dismissal at the hearing.

416.3 If a written motion to dismiss is filed, the opposing party shall have fourteen (14) calendar days to file an opposition to the motion with the hearing officer.

416.4 The hearing officer may, on his or her own motion, dismiss a hearing demand, either entirely or as to any stated issue, under any of the following circumstances:

(a) ~~(a)~~ —Where the matter or issue has previously been the subject of a hearing;

(b) ~~or th~~The petitioner ~~has previously been afforded an opportunity failed to appear at for a hearing on the same matter~~, and the owner~~r~~ or occupant ~~has failed to request a continuance or show good cause for failing to appear; to preserve his or her right to a hearing;~~

(c) Where the owner or occupant ~~demanding~~requesting a hearing is not a lawful owner or occupant or does not otherwise have a right to a hearing. This would include, but is not limited to, cases in which the individual is not the owner or occupant~~as defined in D.C. Law 8-136;~~

(d) Where the petitioner has failed to file a timely hearing demand pursuant to the provisions of this Chapter; and

(e) Where the hearing officer, in his or her opinion, finds that a petition filed in any proceeding does not raise a question of fact or law or the claim is frivolous.

~~416.53~~ _____ —The dismissal shall be in the form of an order by the hearing officer, which shall contain a statement of facts and law and the reason for the dismissal. No such order shall be necessary where all the parties have expressly requested the dismissal.

416.64 The dismissal order shall be given to the parties or mailed to them at their last known address.

417. SERVICE OF DOCUMENTS

417.1 The initial document filed by any party shall state on the first page the name and post office address of the person or persons to be served with any documents filed in the proceeding.

417.2 Whenever any document is filed by any party with the hearing officer, copies shall be served by the filing party upon all parties to the proceedings.

417.3 Service may be made by regular mail, by registered or certified mail, or by personal delivery.

417.4 Service upon a party or an attorney of record or designated representative of a party shall occur at the time of hand delivery; [by email if one is on record](#); or if by mail, to the address of record, by the postmark date plus three (3) days, as prescribed in § 411.3.

418. PROOF OF SERVICE

418.1 A party filing a document with the hearing officer shall furnish written proof that a copy also has been sent to every other party.

418.2 The proof shall show the date and manner of service and may be as follows:

- (a) Written acknowledgement of service;
- (b) Affidavit of the person making service;
- (c) Certificate of an attorney of record; or
- (d) By other proof satisfactory to the hearing officer.

418.3 Acknowledgement of service may be made by any person at the address shown on the document who is sixteen (16) years of age or older.

419. STYLE OF PLEADINGS AND PETITIONS

419.1 All pleadings, notices, orders and other papers filed under the provisions of this Chapter shall be captioned "Before the District of Columbia Water and Sewer Authority."

419.2 A document shall contain the [WASADC Water](#) Docket Number if assigned.

419.3 Each petition filed under this Chapter ~~shall be notarized and~~ shall be styled in the manner of pleadings as provided in this Section.

419.4 Each document shall contain a title appropriate to the proceedings which describe generally the type of document, such as one of the following:

In the Matter of the _____ (Charges, Interest, Penalties, and Fees) for the water and sewer services rendered to _____ (Property Address) owned by _____ (Name of Owner of Record) and occupied by _____ (Name of Occupant)

419.5 Upon filing, each petition shall be given a docket number and shall become a matter of public record.

419.6 Each petition shall contain the following:

- (a) Facts related to the water and sewer service account including the following:
 - (1) The account number;
 - (2) The service address;
 - (3) The name of the party who holds the account;
 - (4) The type of property and number of units;
 - (5) If petitioner is disputing billing charges, tThe date of the bill(s) in dispute~~last bill;~~ and
 - (6) The number of people residing at the service address during the period of the disputed bill(s).
- (b) A concise statement of the facts concerning the disputed~~disputed~~ charges;
- (c) Supporting data, facts, or evidence upon which petitioner relies as justification for the disputed~~disputing the water and sewer service charges~~; and
- (d) If petitioner is disputing billing charges, aA request for adjustment of the water and sewer service charges.

420. HEARINGS

420.1 A party to any hearing may invite any member of the public to attend ~~All hearings shall be open to the public~~the hearing.

420.2 Hearings shall be held at the location indicated on the hearing notice; Provided, that the hearing officer, at his or her discretion, may establish other permanent or temporary hearing locations.

420.3 The hearing officer shall ensure that the hearing is conducted in an orderly manner and shall have the authority to exclude any owner or occupant or other person from the hearing on the grounds of substantial interference with, or obstruction of, an orderly hearing process.

420.4 If an owner or occupant requests a hearing on charges from more than one water and sewer service or groundwater sewer service billing period, the hearing officer may consolidate the hearings.

420.5 The Rules of Civil Procedure and the Rules of Criminal Procedure for the Superior Court of the District of Columbia are not binding for these administrative hearings.

420.6 All testimony shall be given under oath or affirmation administered by the hearing officer.

420.7 The burden of proof shall be on the parties seeking relief.

- 420.8 The standard of proof shall be a preponderance of the evidence.
- 420.9 Hearing officers assigned to render a decision in any proceedings under this Chapter shall not communicate, directly or indirectly, with any person involved in or affiliated with any of the parties, except upon notice and opportunity for all parties to participate.
- 420.10 If any person refuses to respond to a subpoena, refuses to take the oath or affirmation as a witness, refuses to be examined, or refuses to obey any lawful order of the hearing officer, the hearing officer may petition the Superior Court of the District of Columbia for an order requiring compliance.
- 420.11 The hearing officer shall follow the general rules of evidence applicable to administrative hearings under the District of Columbia Administrative Procedure Act. P.L. 90-614 (D.C. Code § ~~2-501 + 1501 et seq. (1992 Repl. Vol.)~~);

421. ARGUMENT BEFORE THE HEARING OFFICER

- 421.1 The hearing officer shall give the parties to the proceeding adequate opportunity during the course of a hearing for the presentation of arguments in support of or in opposition to the petition for administrative review, motions, objections, and exceptions to the rulings of the Officer.
- 421.2 The hearing officer may impose time limits on the arguments.
- 421.3 Oral argument shall be ~~transcribed~~ recorded and will be available as part of the record.

422. FINAL DECISIONS

- 422.1 The hearing officer shall issue a final decision containing a concise statement of facts and conclusions of law.
- 422.2 The final decision shall include specific findings on each issue of fact and shall be based upon reliable, probative, and substantive evidence. Mere conclusory assertions or summaries of evidence shall not constitute a sufficient basis for findings or fact within the meaning of this Section.
- 422.3 The final decision of the hearing officer shall be based upon consideration of the entire record of the proceeding, and no evidence, information, or other knowledge, except that of which official notice is taken, shall be considered.
- 422.4 If the hearing officer rules in favor of the owner or occupant, and finds that the owner or occupant has made payments in excess of the amount due, ~~the appropriate portion of the deposit or escrow funds, plus any accrued interest,~~
- (a) The amount of the overcharge shall be credited to the account and applied first to any outstanding account balance.

(b) If after the adjustment and any outstanding account balance has been paid, the customer may request DC Water to issue a refund for any credit balance that remains.

(c) If after the adjustment and any outstanding account balance has been paid, the customer does not request a refund, any credit will remain on the account and applied to future charges.

~~shall be credited to the owner or occupant's account within fifteen (15) days of the notice of decision and the balance ; however, at the discretion of the General Manger, DC Water may issue a refund for any amounts that remain after the account balance is paid in full shall be refunded to the party who posted the surety bond or made the deposit.~~

-
422.5 If the hearing officer rules in favor of the UtilityDC Water, and finds that the owner or occupant has outstanding water and sewer charges, the owner or occupant shall be required to pay the difference between the amount in escrow, if any, and the amount of outstanding charges, penalties, interest, and fees within fifteen (15) days of the notice of the decision.

423. PAYMENT

423.1 Checks or money orders shall be made payable to the "District of Columbia Water and Sewer Authority."

423.2 Certified checks or cash shall be required for payments exceeding two hundred dollars (\$ 200).

423.3 If any check or other instrument offered to make any payment due is dishonored, the owner or occupant shall be responsible for any fees established by WASADC Water.

424. TRANSCRIPTS OF HEARING

424.1 Transcripts of the hearing proceedings may be ordered through a form provided by the General Manager.

424.2 The costs for transcript(s) of the hearing record shall be borne by the petitionerparty requesting the transcript.

424.3 Fees for transcripts shall be at a rate set by the General Manager based on the costs DC Water has incurred.

424.4 Transcripts may be ordered upon payment of a deposit, the amount of which shall be set by the General Manager.

424.5 When the cost of the transcript has been determined to be less than the amount of the transcript deposit, the amount by which the deposit exceeds the cost of the transcript shall be refunded.

424.6 When the cost of the transcript is determined to exceed the amount of the transcript deposit, the petitioner shall be notified in writing of the balance due for preparing the transcript. The balance

due shall be paid before the transcript is released.

424.7 If the owner or occupant fails to make a payment when due as required by this Section or if any check offered to make payment is dishonored, the request for the transcript shall be dismissed, and the deposit shall not be refunded.

424.8 Changes in the official transcripts shall be made only when they involve errors of substance.

424.9 A motion to correct a transcript shall be filed with the ~~chief~~ hearing officer and the other party within ten (10) days after receipt of the transcript.

424.10 If no objections to the motion are filed within ten (10) days after the filing of the motion, the transcript may, upon the approval of the chief hearing officer, be changed to reflect the corrections.

424.11 If objections to a motion to correct a transcript are received, the motion and objection shall be submitted to the reporter or transcriber by the chief hearing officer with a request to compare the transcript with the stenographic or other record of the hearing.

424.12 After receipt of the transcriber's report, an order shall be entered by the ~~chief~~ hearing officer settling the record and ruling on the motion.

425. TERMINATION OF WATER AND SANITARY SEWER SERVICES FOR NONPAYMENT

425.1 The purpose of this Section is to establish the criteria and procedures for terminating water and sewer services for nonpayment of any charges, penalties, interests, or fees permitted by law to be assessed against the owner or occupant of real property.

425.2 Except as otherwise provided in this Chapter, WASADC Water shall provide the owner or occupant with a final notice specifying that the water and sewer services will be terminated.

425.3 The final notice shall specify the date that service will be subject to termination.

425.4 In deciding whether or not to terminate water and sewer services for a delinquent account, the General Manager may consider the following:

(a) Whether a tenant is eligible to establish an account in his or her own name;

(b) The payment history of the owner or occupant; ~~and~~

(c) Any other factor relevant to the efficacy of alternate methods of collecting the amounts due and owing; and

(d) Whether the owner or occupant has applied for any customer assistance programs for which the owner or occupant is eligible.

426. HONORING REQUESTS FROM OWNERS FOR TERMINATION OF WATER AND

SEWER SERVICE

426.1 WASADC Water, upon receipt of a written request from the owner of a property provided water and sewer services, shall terminate services when one of the following conditions exists:

- (a) The property is vacant;
- (b) There is an outstanding delinquent balance on the account;
- (c) The water and sewer service has been terminated for nonpayment, and it is verified that service has been restored by the occupant or someone solicited by the occupant, without the authorization of WASADC Water; or
- (d) The owner provides documentation that the property is occupied by parties without a legal right to be on the property and who occupy the property without the consent of the owner.

426.2 DC Water may request the owner to provide a notarized affidavit stating that the property is vacant or that it is occupied by parties without a legal right to be on the property and who occupy the property without the consent of the owner.

426.~~32~~ WASADC Water may determine that the request for termination of service will not be honored if the property is occupied and any of the following conditions exists:

- (a) There is no delinquent balance on the account and the property is occupied by tenants or others with the consent of the owner; or
- (b) The owner is the account holder, the tenant agrees to assume prospective responsibility for prospective water and sewer charges and the General Manager determines that it is practicable for the tenant to assume responsibility for the water and sewer charges.

427. REAL PROPERTY LIENS AND TAX SALE

427.1 When bills for water and sewer service charges, meter maintenance and repairs, or sanitary sewer services are more than sixty (60) days overdue, WASADC Water shall provide the owner of record with a written notice of intent to file a lien.

427.2 The written notice shall state the following:

- (a) The outstanding balance;
- (b) A notice that if the bills are not paid in full or payment arrangements are not made within ~~ten-fourteen (140) calendar working~~ days of the date of the notice, a certificate of delinquency ~~shall~~ may be filed by WASADC Water with the Recorder of Deeds;
- (c) That a certificate of delinquency shall constitute a lien against the real property; and
- (d) The owner of a single family home has the opportunity to present evidence that he or she occupies the premises.

- 427.3 The owner of a single family home who occupies the premises shall present evidence of occupancy within ~~ten~~fourteen (140) ~~workingcalendar~~ days of the date of the notice of intent.
- 427.4 Acceptable evidence of occupancy shall include the following with personal identifiable information redacted (e.g. social security number, date of birth and financial account number):
- (a) Income tax returns;
 - (b) Non-driver's identification card or a valid driver's license;
 - (c) The most recent electric, gas or telephone bill; ~~and~~
 - (d) Proof of eligibility of Homestead Deduction perin accordance with DC Official Code § 47-850; and
 - (e) Other documentation considered credible by ~~DC Water~~DC -Water, including but not limited to a notarized affidavit.~~WASADC Water.~~
- 427.5 Single family homes that are owner occupied, shall not be sold at tax sale for delinquent water and sewer charges, but a lien shall be attached to the real property until the outstanding balance is paid in full.
- 427.6 At the end of the ~~fourteen~~ten-~~calendar~~ day (140) period, if the balance has not been paid in full, a Certificate of Delinquency shall be filed by ~~WASADC Water~~ and mailed, by certified mail, to the owner of record at the address listed by the Office of Tax and Revenue for the receipt of tax notices.
- 427.7 Real property tax sales pursuant to this Section shall be conducted by the Office of Tax and Revenue.
- 427.8 The rules and regulations applicable to tax sales used by the Office of Tax and Revenue shall govern tax sales, under this Section.
- 427.9 If a rule or regulation of the Office of Tax and Revenue conflicts with a provision of the District of Columbia Water and Sewer Operations Amendment Act of 1990, (D.C. Law 8-136) or any statute governing the enforcement of water and sewer liens at tax sale, D.C. Law 8-136 or the applicable statute shall govern.
- 427.10 The Director of the Department of Housing and Community Development may submit bids for properties to be included in the housing program, authorized by § 2 of the Act, and to make payments to the Water and Sewer ~~Utility~~-Enterprise Fund from appropriations or sums otherwise provided.
- 428. OPPORTUNITY FOR A TENANT TO RECEIVE SERVICE IN OWN NAME**
- 428.1 ~~WASADC Water~~ may permit the tenant(s) to receive the bills in their own name, when the owner or agent of the rental property fails to pay the delinquent account in full and it is determined to be practicable.

- 428.2 At least ten (10) working days prior to terminating water and sewer services to the premises, WASADC Water shall send a notice to the tenant(s) in accordance with § 425.2.
- 428.3 Once it is determined that the tenants will be billed directly for water and sewer charges, WASADC Water will read the meter on service at the affected address and render a final bill to the owner or the agent for the owner.
- 428.4 If water and sewer charges incurred by the tenant(s) remain unpaid for more than thirty (30) days after the rendering of a bill for the charges, penalties and interest shall be applied to the tenant's outstanding charges, and water and sewer services may be terminated.
- 428.5 If water and sewer service charges billed directly to the tenant or tenants are unpaid and result in the termination of services, the tenant or tenants shall be required to pay all delinquent charges, penalties, interest and fees incurred during the period they received bills.
- 428.6 If service has been terminated due to a delinquent tenant account, services shall not be restored until all charges, penalties, interest and fees for the property are paid in full.

429. SPECIAL PROVISIONS GOVERNING MASTER-METERED APARTMENT BUILDINGS

- 429.1 ~~This~~ Section 428 shall apply to all master-metered water and sewer accounts in residential rental apartment buildings billed directly to the owner, agent, lessor, or manager of the premises (hereinafter referred to as "owner").
- 429.2 WASADC Water shall provide the tenants with the opportunity to assume prospective financial responsibility for the water and sewer services pursuant to the provisions of §§ 428 and 430.

430. DETERMINATION OF PRACTICABILITY

- 430.1 WASADC Water may decide to continue water and sewer service to any master-metered residential, rental apartment building despite the nonpayment of a delinquent account by the owner, if the General Manager determines that it is practicable for the tenants to assume prospective financial responsibility for water and sewer services by receiving the service in their own names, either individually or collectively, on the same terms as any other customer and without any liability for the amount due while service was billed directly to the owner.
- 430.2 In order to qualify as a tenant group or association, the group or tenant association shall provide documentation that the following requirements have been met:
- (a) It is appointed as the authorized agent for each tenant;
 - (b) Have capital reserves equal to the estimated quarterly water and sewer service charges for the premises;
 - (c) It is authorized to collect water and sewer charges from each tenant and to pay the charges;

- (d) Have a written agreement specifying the fair and equitable apportionment of the water bill to each tenant, and the tenant's agreement to pay his or her portion of the bill to the tenant group or association in a timely manner;
- (e) Maintain its records and a system of accounts in a manner consistent with generally accepted accounting principles;
- (f) Agree to make its financial records available for inspection by the tenant; and
- (g) Obtain a bond to guarantee the integrity of its financial transactions.

430.3 The General Manager may find that it is practicable to meter each apartment on the premises if the following requirements are met:

- (a) The owner of the premises agrees in writing to install individual meters for each unit on the premises at the owner's expense and risk;
- (b) The owner agrees in writing to complete the installation within sixty (60) days of the date of the written agreement; and
- (c) Each tenant agrees in writing to establish an individual account in his or her name.

430.4 The General Manager may permit tenants to assume prospective financial responsibility for water and sewer service charges if there exists a tenant group or association that is willing and able to accept responsibility for collecting water and sewer bill payments from each tenant at the premises, and of paying each bill when it becomes due.

430.5 The General Manager shall prepare a finding of practicability which contains the following information:

- (a) The address of the premises;
- (b) The name of the owner;
- (c) The number of units;
- (d) A determination of whether it is feasible to meter each unit on the premises, pursuant to the provisions of § 430.3 of this Chapter;
- (e) If individual metering is not feasible, whether a tenant group or association exists which meets the requirements of § 430.2, and that the requirements of this Chapter have been met; and
- (f) Any other information pertaining to the premises and its service which may have a bearing on the General Manager's decision on practicability.

431. NOTICE TO TENANTS

431.1 At least ~~ten-fourteen~~ (14) ~~workingcalendar~~ days prior to terminating water and sewer services to the premises, the General Manager shall ~~send post notice outside the premises. a notice to each apartment unit on the premises.~~

~~431.2 The notice shall be addressed to the authorized tenant(s) in the building, but the tenant(s) need not be identified by name. Identifying the apartment unit and the correct address of the premises shall be sufficient to provide the tenant with the notice required under this subSection.~~

431.23 The notice shall provide the tenant(s) with the following information:

- (a) The owner is delinquent in the payment of water and sewer service charges;
- (b) Water and sewer services to the premises may be terminated;
- (c) WASADC Water may permit the tenants to establish a water and sewer account in their own names if the General Manager considers it is practicable under the provisions of § 430.1 of this Section;
- (d) The tenants may petition the Superior Court to establish a receivership;
- ~~(d) (e)~~ The tenants have the right to deduct all future payments made by the tenants for water and sewer services from rent owed as provided by DC Official Code § 34-2303 (b).
by § 2(g) of D.C. Law 8-136;
- (f) The tenants may request to receive service in their own name either individually or collectively in accordance with the provisions of § 428;
- (g) The time period within which the tenants or their authorized agents must request to assume prospective responsibility for water and sewer service charges; and
- (h) The mailing address and telephone number of the office within WASADC Water, where the tenants can obtain additional information.

431.34 Each tenant shall agree in writing to establish an individual or collective water and sewer utility service account within thirty (30) days of the date on the notice issued pursuant to § 431.23.

431.45 Each tenant shall establish individual water and sewer service accounts within sixty (60) days of the date the General Manager finds that the following requirements are met:

- (a) It is practicable to install individual meters for each unit on the premises, and
- (b) A tenant group that meets the requirements of this Chapter exists.

431.56 The tenants' group or association shall establish a water and sewer service account within thirty (30) days of the date the Director determines that it is practicable for the tenants to assume prospective responsibility for water and sewer and groundwater sewer service charges.

431.67 Tenants who move into the premises shall execute the agreement with the tenant group or association or establish an individual account.

431.78 The failure to execute a written agreement for individual or collective accounts and to establish a water and sewer service account in a timely manner shall result in the termination of water and sewer services to the premises.

432. TENANT PAYMENT OF WATER AND SEWER SERVICE BILL

432.1 The General Manager may terminate water and sewer service to the premises of a tenant who has agreed to accept responsibility for payment of water and sewer services charges individually or with a tenant association when the tenant or the tenant group or association is delinquent in payment.

432.2 The rights of the tenant group or association shall terminate upon the occurrence of any of the following:

- (a) The failure to make timely payments;
- (b) The failure of the tenant group or association to maintain bonding;
- (c) The failure of the tenant group or association to keep adequate records; or
- (d) The failure of the tenant group or association to obtain the consent of all the premises' tenants, including the consent of all tenants who move into the premises after the account is established.

432.3 Upon termination of the tenant group or association's account, WASADC Water shall bill the owner of the property directly for water and sewer charges.

499. DEFINITIONS

499.1 When used in this Chapter, the following words and phrases shall have the meanings ascribed:

Comparable periods -

- (a) No change in occupancy;
- (b) The same or like seasons; and
- (c) The same or like number of days and billing periods.

General Manager - The chief administrative officer of the District of Columbia Water and Sewer Authority or his or her designee.

Meters - Includes any device which is used to measure the amount of water utilized by consumers.

-

Occupant - any individual, corporation, association or partnership who holds or possesses a premises in subordination to the title of the owner of the premises, with the consent of the owner.

Owner - any individual, corporation, association, or partnership listed as the legal title holder of record.

Petitioner - an owner, occupant, owner's agent, applicant for certification to test backflow preventers or a holder of a certificate to test backflow preventers.

Practicable - For purposes of Section 430, a finding made by the General Manager that it is feasible to individually meter each apartment on the premises, or that there exists a tenant group or association that meets ~~the Department's~~ DC Water's requirements.

Privately owned water meters - meters required to be installed, at no cost to DC Water ~~the District~~, for the measurement of water supplied and used by commercial and industrial users or by premises with three (3) or more separate dwelling units.

Single family home - means a housing unit designed and maintained for occupancy by only one family.

Residential Tenants - any person who holds or possesses a habitation in subordination to the title of the owner of the premises in which the habitation is located, with the consent of the owner. a tenant as defined by the District of Columbia Water and Sewer Operations Amendment Act of 1990 (D.C. Law 8-136), D.C. Code § 43-1651(3) (1990 Repl. Vol.).

WASADC WaterDC WaterDC Water - the District of Columbia Water and Sewer Authority or its lawful agent, successor in interest or designee.

Action Item 4

DC RETAIL WATER AND SEWER RATES COMMITTEE
PROPOSED AMENDMENTS TO
21 DCMR CHAPTER 4 - CONTESTED WATER AND SEWER BILLS

DC Water requests that the DC Retail Water and Sewer Rates Committee recommend to the Board of Directors the publication of the proposed amendments to 21 DCMR Chapter 4 – Contested Water and Sewer Bills to revise the bill challenge regulations and other rules to be consistent DC Water Omnibus Amendment Act of 2020, other DC Laws, and Current DC Water Practice, as shown below:

CHAPTER 4, CONTESTED WATER AND SEWER BILLS of Title 21 DCMR, WATER AND SANITATION, shall be amended as follows:

400. RIGHT TO CHALLENGE GENERAL MANAGER'S DECISIONS AND BILLS

- 400.1 The owner or occupant of the premises may contest any water bill, sanitary sewer service bill or groundwater sewer service bill rendered for the premises, or any determination of practicability made by the General Manager pursuant to Section 207 of this title, by following the procedures set forth in this Chapter.
- 400.2 The owner or agent of the owner may contest any determination of practicability made by the General Manager pursuant to Section 5403 of this title, or any determination of imminent threat made by the General Manager pursuant to Section 5405 of this title, by following the procedures set forth in this Chapter.
- 400.3 In all cases where a bill or a determination as to practicability made by the General Manager pursuant to Chapter 2 and Chapter 54 or a determination as to imminent threat pursuant to Chapter 54 is contested, the procedures set forth in this Chapter shall apply and take precedence of any inconsistent provisions of this title to the extent of that inconsistency.
- 400.4 Any owner or occupant shall have the right to inspect DC Water records regarding his or her account upon request during the normal business hours of the DC Water.
- 400.5 An applicant or holder of a certificate to test backflow preventers may contest any decision by the General Manager to deny, suspend or revoke a certificate pursuant to § 5408 by following the procedures set forth in this Chapter.
- 400.6 A User may appeal a final decision made by the General Manager pursuant to Chapter 15 of this title by following the procedures set forth in this Chapter.
- 400.7 A Non-Residential Customer may appeal a determination issued by the General Manager denying a Zero FOG Discharge Exemption issued pursuant to Subsection 112.13 of this title by following the procedures set forth in this Chapter.

401. NOTICE OF RIGHT TO CHALLENGE BILLS, AND PRACTICABILITY AND IMMINENT THREAT DETERMINATIONS

- 401.1 Each water, sewer, and groundwater sewer service bill shall contain a written statement advising the owner or occupant of the following:
 - (a) The owner or occupant may challenge the bill in accordance with the provisions of § 402, provided that the owner or occupant must timely challenge each bill separately for any challenges made under § 402.1 (a).
 - (b) Upon receipt of a challenge to a water, sewer and groundwater sewer service bill, DC Water will investigate the bill;
 - (c) If DC Water finds the bill to be erroneous, it shall adjust the bill accordingly and credit the

account in accordance with section 409.4 of this chapter;

- (d) The owner or occupant will not be subject to any penalty, interest charge or termination of service for nonpayment of the disputed bill until the owner or occupant has been advised in writing of the results of the investigation;
- (e) The owner or occupant will be notified in writing of the results of the investigation;
- (f) If the bill has not been paid, the owner or occupant will be notified in writing of the amount found to be due as a result of the investigation, and the date on which the bill shall be paid;
- (g) The owner or occupant may request a hearing in writing, within fifteen (15) days of the date of the decision, if he or she is not satisfied with the decision of DC Water; and
- (h) The owner or occupant may request a written statement of billing, for the most recent two (2) year billing and payment history of the account. Upon receipt of a written request, DC Water shall prepare this statement of billing within thirty (30) days.

401.2 Each determination of practicability made by the General Manager pursuant to § 207 of this title shall contain a written statement advising the owner or occupant of the following:

- (a) The owner or occupant may challenge the determination in accordance with the provisions of § 402;
- (b) Upon receipt of a challenge to a determination of practicability, DC Water will investigate the determination; and
- (c) The owner or occupant will be notified in writing of the results of the investigation and the date and time of any hearing, if required.

401.3 Each determination of practicability made by the General Manager pursuant to § 5403, each determination of imminent threat made by the General Manager pursuant to § 5405 and each denial, suspension or revocation of certification to test backflow preventers made by the General Manager pursuant to § 5408 shall contain a written statement advising the applicant or certificate holder of the following:

- (a) The owner or owner's agent, applicant or certificate holder may challenge the denial, suspension or revocation of certification in accordance with the provisions of § 402; and
- (b) The owner or owner's agent, applicant or certificate holder shall be notified in writing of the date and time of any hearing, if required.

401.4 A determination issued by the General Manager denying a Zero FOG Discharge Exemption shall contain a written statement advising the customer of the following:

- (a) The Customer may challenge the denial in accordance with the provisions in Section 402;
- (b) The Customer may request a hearing in writing, within fifteen (15) days of receipt of the General Manager's written determination, if he or she is not satisfied with the General

Manager's determination; and

- (c) The Customer shall be notified in writing of the date and time of any hearing, if requested.

402 INITIATING A CHALLENGE

402.1 An owner or occupant may challenge the charges assessed by DC Water for water, sewer and groundwater sewer service, or any other billed service as follows:

- (a) Billing disputes involving usage, meter accuracy, meter malfunction, or leaks, the owner or occupant may dispute the bill by:
 - 1. Paying the current charges in the bill and notifying DC Water in writing, within twenty (20) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or
 - 2. Not paying the current charges in the bill and notifying DC Water in writing, within twenty (20) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.
- (b) All other disputes regarding billing charges not covered by section 402.1(a), such as erroneous classification due to failure of DC Water to change classification after receiving notice of change by customer, misapplication of account credits, incorrect impervious area, incorrect meter size, or payments applied to the wrong account, the owner or occupant may dispute those charges by:
 - (1) Paying the current charges in the current bill and notifying DC Water in writing, within two (2) years after the date of the alleged erroneous charges, the reason(s) why the current charge and any similar charges issued within two (2) years of the date of written notice of dispute is believed to be incorrect and that the current bill is being paid under protest; or
 - (2) Not paying the current charges in the bill and notifying DC Water in writing, within twenty (20) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect; or
 - (3) For issues related to misapplication of account credits or payments applied to the wrong account, notifying DC Water in writing, two (2) years of the misapplied credit and/or payment, requesting a review of the account for misapplied credits and/or payments.
- (c) Disputes under § 402.1(a) and § 402.1(b)(2), each bill challenge only applies to the current bill; the owner or occupant must file a separate dispute for each future bill.
- (d) Disputes under § 402.1(b)(1):

- (1) May be treated as continuous and will apply to future bills until the General Manager has issued a decision.
 - (2) The owner or occupant continues to pay the current monthly bill or the General Manager, at the General Manager's sole discretion, has agreed to a temporary billing arrangement.
- (e) Disputes under § 402.1(b), DC Water may review bills rendered within two (2) years prior to the date of written notice of the dispute.

402.2 Challenges will be deemed to be filed untimely as follows:

- (a) Challenges under § 402.1(a) will be untimely if made more than twenty (20) days after the bill date.
- (b) Challenges under § 402.1(b)(1) will be untimely if made more than two (2) years after the bill date.
- (c) Challenges under § 402.1(b)(2) will be untimely if made more than twenty (20) days after the bill date.
- (d) Challenges under § 402.1(b)(3) will be untimely if made more than two (2) years after the misapplied credit and/or payment.
- (e) Challenges made more than twenty (20) days under §§ 402.1(a)(2) and (b)(2) shall be subject to the imposition of a penalty for nonpayment of charges as provided in 21 DCMR 112 and/or termination of service for nonpayment.
- (f) Challenges made more than twenty (20) days under § 402.1(a) may not be investigated as provided under Section 403.

402.3 Nothing in this section shall be interpreted to relieve the owner or occupant of responsibility for paying all previously or subsequently rendered, uncontested water, sewer and groundwater sewer service charges, penalties, interest, and administrative costs.

402.4 An owner or occupant may appeal a practicability determination made by the General Manager pursuant to Section 207 by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the notice required in § 207. This petition shall be filed in accordance with the requirements set forth in Section 412 of this chapter, "Petition for Administrative Hearing".

402.5 An owner or owner's agent may appeal a practicability determination made by the General Manager pursuant to Section 5403 by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the notice required in Section 5403. This petition shall be filed in accordance with the requirements set forth in Section 412 of this chapter "Petition for Administrative Hearing".

- 402.6 An owner or owner's agent may appeal a determination of imminent threat made by the General Manager pursuant to § 5405 by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the termination. This petition shall be filed in accordance with the requirements set forth in Section 412 of this chapter "Petition for Administrative Hearing."
- 402.7 Non-residential and multi-family owners or their agents may seek an impervious surface area charge adjustment under Subsection 402.1 if the owner or agent can establish that the property has been assigned to the wrong rate class, the impervious service area used in the computation of the charge is incorrect or if the ownership information is incorrect.
- 402.8 Non-residential and multi-family owners or their agents shall submit a site survey, prepared by a registered professional land surveyor, showing impervious surfaces on the site and other information that may be requested by DC Water.
- 402.9 A User subject to the requirements of Chapter 15 of this title, may appeal any of the following final decisions made by the General Manager by filing a petition for an administrative hearing in accordance with the requirements set forth in Section 412 entitled "Petition for Administrative Hearing":
- (a) Determination that a Users uncontaminated non-wastewater flows are discharging to a sewer specifically designated as sanitary sewer;
 - (b) Determination regarding the issuance, revocation, or non-transferability of a Wastewater Discharge Permit, or the terms and conditions of a Wastewater Discharge Permit;
 - (c) Determination regarding the issuance, suspension, termination, or denial of a Temporary Discharge Authorization or Waste Hauler Discharge Permit, or the terms and conditions of a Temporary Discharge Authorization or Waste Hauler Discharge Permit; and
 - (d) Determination regarding the suspension of water and sewer service due to an imminent danger to the environment or the operation or integrity of the District's wastewater system.
- 402.10 A Non-Residential Customer subject to the requirements of Subsection 112.13 of this title, may appeal the General Manager's determination denying a Zero FOG Discharge Exemption by filing a petition for an administrative hearing within fifteen (15) days of the date of the General Manager's written determination in accordance with the requirements set forth in Section 412 entitled "Petition for Administrative Hearing".

403. INVESTIGATION OF CHALLENGED BILL

- 403.1 Upon receipt of a timely challenge to a water, sewer or groundwater sewer bill, DC Water shall suspend the obligation of the owner and occupant to pay the contested charges contained in the disputed bill and the owner or occupant will not be subject to any penalty, interest charge or termination of service for nonpayment of the disputed bill until the owner or occupant has been advised in writing of the results of the investigation.

- 403.2 As necessary to investigate the challenge, DC Water may:
- (a) Verify the computations made in the formulation of the water and sewer charges;
 - (b) Verify the meter reading;
 - (c) If feasible, check the premises for leaking fixtures, underground invisible leaks, and house-side connection leaks;
 - (d) Check the meter for malfunction by removing and testing the meter;
 - (e) Review account to ensure accurate account status; and
 - (f) Make a reasonable investigation of any facts asserted by the owner or occupant which are material to the determination of a correct bill.
- 403.3 DC Water may request that the customer submit a plumber's report stating that there are no leaks on the property and that no issues on private property are contributing to increase water usage.

404. REPORT AND ADJUSTMENT

- 404.1 Upon completion of the investigation, DC Water shall issue a written decision containing a brief description of the investigation and findings.
- 404.2 On the basis of the investigation and findings, DC Water shall make appropriate adjustments to the bill for water or sewer charges in accordance with the provisions of this Chapter.

405. ADJUSTMENT FOR METER OR COMPUTATION ERRORS

- 405.1 If the investigation discloses meter overread or faulty computation, adjustment(s) shall be made to reflect the correct charges, as indicated by the correct reading or corrected computations.
- 405.2 If the meter test results confirms meter overread on a DC Water issued meter, the water and sewer service bill shall be adjusted to equal the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available.
- 405.3 If the meter test results confirms meter overread on a DC Water issued meter, and the investigation concerns groundwater sewer service, the groundwater sewer service bill shall be adjusted to equal the average groundwater meter registration at the same premises for up to three (3) previous comparable periods for which records are available.
- 405.4 If records for up to three (3) previous comparable billing periods are not available, the bill shall be adjusted based on the actual usage for the first comparable billing period after the meter has been replaced.

406. ADJUSTMENT FOR HOUSEHOLD LEAKS OR AIR CONDITIONING MALFUNCTION

- 406.1 The repair of leaking faucets, household fixtures, and similar leaks, and the repair of malfunctioning water-cooled air conditioning equipment, are the responsibility of the owner or occupant.
- 406.2 If the investigation discloses leaking faucets, leaking fixtures, or similar leaks, no adjustment will be made to the bill for any portion of the excessive consumption attributable to those leaks.
- 406.3 If the investigation discloses a malfunctioning water-cooled air conditioning system, no adjustment will be made to the bill for any portion of the excessive consumption attributable to that air conditioning system malfunction.

407. ADJUSTMENT FOR LEAKS WHICH OCCUR BETWEEN THE METER AND THE STRUCTURES THAT ARE SERVED BY THE METER AND FOR UNDERGROUND LEAKS

- 407.1 When a meter leak is discovered due to a DC Water issued meter, the Authority shall make the repairs to the meter. A licensed plumber may make the necessary repairs at the expense of the Authority if the amount and nature of the repairs is approved in advance by the General Manager but only if the General Manager has not determined that the leak constitutes an emergency or unsafe condition.
- 407.2 If the investigation indicates a possible a leak in underground service pipe, the General Manager shall investigate the cause and location when notified of the possibility of leaks. If the investigation discloses a leak, other than a meter leak, of indeterminate location in the underground service, or at some other location where the leak is not apparent from visual or other inspection, the General Manager shall determine whether the leak is on public space, on private property, on property that is under the control of the occupant, or the result of infrastructure for which the owner or occupant is responsible for maintaining and repairing.
- 407.3 If, pursuant to § 407.2 the leak is determined to have been caused by the Authority, or is determined to be the result of infrastructure for which the Authority is responsible for maintaining and repairing, the Authority shall repair the leak and the General Manager shall adjust the bill to equal the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. If the leak is determined to have been caused by the owner or occupant, no adjustment shall be made.
- 407.4 If, pursuant to § 407.2 the leak is determined to be on private property or on property that is under the control of the owner or occupant, or the result of infrastructure for which the owner or occupant is responsible for maintaining and repairing, the owner or occupant shall repair the leak. The General Manager may, at their discretion, upon request of the owner, adjust the disputed bill and any bills issued during the investigation for a period not to exceed (30) calendar days and following the issuance of the bill investigation report.
- 407.5 The adjusted amount, in accordance with 407.4, shall not exceed 50% of the excess water usage - over the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. The General Manager may take the following

into consideration in determining whether there should be a reduction in the bill(s):

- (a) There has been no negligence on the part of the owner or occupant in notifying DC Water of unusual conditions indicative of a waste of water;
- (b) The owner has repaired the leak within 30 calendar days after the bill investigation report is issued to the owner or occupant;
- (c) The owner provides evidence that repairs have been made and that those repairs were performed by a licensed District of Columbia master plumber in accordance with the rules and regulations of the District of Columbia Department of Consumer and Regulatory Affairs; and
- (e) The request for adjustment has been made in accordance with § 402.1 (a).

407.6 The General Manager may, at their discretion, adjust up to 100% of the excess sewer charges resulting from an underground leak if it is determined that the excess water usage did not enter the wastewater system.

407.7 No Adjustment shall be made if the leak is determined to have been caused by the owner or occupant.

408. INCONCLUSIVE FINDINGS

408.1 In cases in which all checks and tests result in inconclusive findings that provide no reasonable explanation for excessive consumption, no adjustment shall be made to the bill for any portion of the excessive consumption, except as may be approved at the sole discretion of the General Manager, based upon a demonstration by the owner or occupant that such an adjustment will further a significant public interest.

409. NOTICE OF INVESTIGATION RESULTS AND ADJUSTED BILLS

409.1 After reviewing the report and making any adjustments to the water or sewer service charges, in accordance with the provisions of this Chapter, the Authority shall mail or email, where an email address is available on the account, written notice of the following to the owner or occupant:

- (a) The results of the investigation; and
- (b) If an adjustment is warranted, the amount of the adjustment.

409.2 An owner or occupant may appeal the General Manager's decision by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the decision.

409.3 The new date for payment of the original or adjusted bill, as set forth in the notice, shall not be less than fifteen (15) days after the mailing date of the notice.

409.4 If the original bill was paid and an adjustment is warranted:

- (a) The amount of the overcharge shall be credited to the account and applied first to any outstanding account balance;
- (b) If after the adjustment and any outstanding account balance has been paid, the customer may request DC Water to issue a refund for any credit balance that remains
- (c) If after the adjustment and any outstanding account balance has been paid, the customer does not request a refund, any credit will remain on the account and applied to future charges.

409.5 The notice shall also inform the owner or occupant of the right to appeal the determination and bill (or amended bill) set forth in the notice, and shall set forth the following:

- (a) The requirements for filing the appeal under § 410.2; and
- (b) If an appeal is filed, there will be no penalty or service cut-off for non-payment of the bill until the appeal has been considered and he or she has been notified in writing of the results of the appeal and a new date for payment

410. ADMINISTRATIVE HEARINGS

410.1 The purpose of hearings held under this Section is to provide the petitioner with an opportunity to appeal the decision of the General Manager pertaining to:

- (a) The validity of any water, sewer or groundwater sewer service charge;
- (b) The practicability determination made pursuant to Section 207 of Chapter 2 regarding metering of groundwater flows;
- (c) A practicability determination made pursuant to Section 5403 of Chapter 54 regarding the installation of backflow preventers to prevent cross connections;
- (d) An imminent threat determination made pursuant to Section 5405 of Chapter 54;
- (e) A denial, suspension, or revocation of a certificate to test backflow preventers pursuant to Section 5408 of Chapter 54;
- (f) The determination that a User's uncontaminated non-wastewater flows are discharging to a sewer specifically designated as sanitary sewer;
- (g) Issuance, revocation, or non-transferability of a Wastewater Discharge Permit, or the terms and conditions of a Wastewater Discharge Permit;
- (h) Issuance, suspension, termination, or denial of a Temporary Discharge Authorization or Waste Hauler Discharge Permit, or the terms and conditions of a Temporary Discharge Authorization or Waste Hauler Discharge Permit;

- (i) Suspension of water and sewer service due to an imminent danger to the environment or the operation or integrity of the District's wastewater system;
- (j) The Zero FOG Discharge Exemption determination that a Food Service Establishment has the potential to discharge oil and grease laden wastewater to the District's wastewater system; and
- (h) Any other decision under this Title that explicitly grants the right to appeal the General Manager's decision.

410.2 The rules of procedure set forth in this Section shall govern the form, content and filing of requests for a hearing to contest water, sewer and groundwater service charges, interest, penalties, fees and determinations of practicability made pursuant to Chapter 2.

410.3 Petitioner shall have the right to do the following:

- (a) Represent themselves or be represented by an attorney;
- (b) To present their case or defense by oral or documentary evidence;
- (c) To submit evidence in rebuttal; and
- (d) To conduct a cross-examination as may be required for a full disclosure of the facts.

411. COMPUTATION OF TIME

411.1 The computation of any period of time prescribed or allowed by this Chapter, by notice, order, rule or regulation to DC Water, or by statute, shall not include the day of the act, event, bill, notice or default.

411.2 The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until midnight of the next day which is not a Saturday, Sunday, or legal holiday.

411.3 Whenever a party is required to serve papers or do some act within a prescribed period, and does so by mail, three (3) days shall be added to the prescribed period.

411.4 Days as used in this chapter shall refer to calendar days unless otherwise specified.

412. PETITION FOR ADMINISTRATIVE HEARING

412.1 An owner or occupant may file a petition for an administrative hearing to review the decision of the General Manager within fifteen (15) calendar days of the date of the decision.

412.2 A petition for an administrative hearing shall be made in writing within fifteen (15) calendar days of the date of the notice specified by § 409.1 of this Chapter.

412.3 Petitions for review shall be filed with:

District of Columbia Water and Sewer Authority
ATTN: Administrative Hearings
1385 Canal Street SE
Washington, DC 20003

413. SURETY BOND/DEPOSIT

413.1 The owner or occupant shall post a surety bond or deposit, equal to not less than one-half (1/2) of the outstanding water, sewer, or groundwater sewer service charges, penalties, and interest owed at the time the request for administrative hearing is made.

413.2 The requirement to post a surety bond or deposit shall not apply to an owner who occupies the single-family house where the contested charges were incurred.

413.3 The deposit shall be in the form of a certified check or money order. The deposit shall be placed in an escrow account and accrue interest. The interest rate shall be determined based on the Annualized Treasury Bill Yield Rate, which is published in nationally circulated newspapers, including the Washington Post and the New York Times. If more than one rate is published, the lowest rate shall be used.

413.4 A surety bond shall accrue interest only if it is in a form that is equivalent to cash.

413.5 Upon receipt of the surety bond or deposit, the portion of the water and sewer charges being challenged shall not be subject to penalty or interest, and service shall not be terminated for non-payment of the contested charges, until a final decision has been rendered.

413.6 The owner or occupant shall pay all charges not in dispute within thirty (30) days of the date that the bill for such charges is rendered.

414. HEARING OFFICERS

414.1 Upon the filing of a request for hearing, the General Manager may conduct a hearing or assign a hearing officer (“hearing officer”) to the case. Thereafter, all motions and procedural requests shall be addressed to the hearing officer.

414.2 No hearing officer shall conduct a hearing in a proceeding in which he or she is prejudiced or partial with respect to any owner or occupant, or where that officer has any interest in the matter pending for decision.

414.3 No hearing officer shall have the authority to overrule any law or regulation of the District of Columbia.

414.4 The hearing officer shall have the following powers:

(a) To give notice concerning hearings;

- (b) To administer oaths and affirmations;
- (c) To examine witnesses and to take testimony;
- (d) To issue subpoenas and order the parties to submit documents or other evidence;
- (e) To request that investigative reports be prepared by DC Water in instances where the reports do not exist;
- (f) To grant requests for discovery, if the discovery is necessary for the disposition of the appeal;
- (g) To rule upon offers of proof and to receive relevant evidence;
- (h) To regulate the course and conduct of hearings;
- (i) To hold conferences, before or during a hearing, for the settlement or simplification of issues;
- (j) To rule on motions and to dispose of procedural requests or similar matters;
- (k) To issue final decisions as provided in this Section or by law;
- (l) To adjust the charges for water, sewer, and groundwater sewer service based upon facts adduced at hearings held pursuant to this Chapter;
- (m) To adjust the charges for groundwater sewer service based upon a challenge to a determination of practicability made pursuant to § 207; and
- (n) To take any other action authorized by this Chapter, the Administrative Procedure Act, or by any other applicable statute, rule or regulation.

415. SCHEDULING OF HEARING/DEFAULT JUDGMENT

- 415.1 The hearing officer shall set the date, time and place of the hearing.
- 415.2 The hearing officer may agree to reschedule the hearing upon the written request of one of the parties for good cause shown or upon the consent of all parties.
- 415.3 The failure to appear at the scheduled hearing or to request, in advance, that the scheduled hearing be postponed, may result in a default judgment.
- 415.4 The hearing officer may issue a final order affirming the imposition of any charges, fines, interest and penalties that the DC Water has assessed against the property by default.
- 415.5 Failure to comply with the conditions imposed by the hearing officer may result in the entry of a default judgment.

416. DISMISSAL OF HEARINGS

- 416.1 A petitioner may request a dismissal by filing a written motion with the hearing officer or orally requesting dismissal at the hearing.
- 416.2 DC Water may request a dismissal by filing a written motion with the hearing officer or orally requesting dismissal at the hearing.
- 416.3 If a written motion to dismiss is filed, the opposing party shall have fourteen (14) calendar days to file an opposition to the motion with the hearing officer.
- 416.4 The hearing officer may, on his or her own motion, dismiss a hearing demand, either entirely or as to any stated issue, under any of the following circumstances:
- (a) Where the matter or issue has previously been the subject of a hearing;
 - (b) The petitioner failed to appear at a hearing, and the owner or occupant failed to request a continuance or show good cause for failing to appear;
 - (c) Where the owner or occupant requesting a hearing is not a lawful owner or occupant or does not otherwise have a right to a hearing. This would include, but is not limited to, cases in which the individual is not the owner or occupant;
 - (d) Where the petitioner has failed to file a timely hearing demand pursuant to the provisions of this Chapter; and
 - (e) Where the hearing officer, in his or her opinion, finds that a petition filed in any proceeding does not raise a question of fact or law or the claim is frivolous.
- 416.5 The dismissal shall be in the form of an order by the hearing officer, which shall contain a statement of facts and law and the reason for the dismissal. No such order shall be necessary where all the parties have expressly requested the dismissal.
- 416.6 The dismissal order shall be given to the parties or mailed to them at their last known address.

417. SERVICE OF DOCUMENTS

- 417.1 The initial document filed by any party shall state on the first page the name and post office address of the person or persons to be served with any documents filed in the proceeding.
- 417.2 Whenever any document is filed by any party with the hearing officer, copies shall be served by the filing party upon all parties to the proceedings.
- 417.3 Service may be made by regular mail, by registered or certified mail, or by personal delivery.
- 417.4 Service upon a party or an attorney of record or designated representative of a party shall occur at the time of hand delivery; by email if one is on record; or if by mail, to the address of record, by

the postmark date plus three (3) days, as prescribed in § 411.3.

418. PROOF OF SERVICE

418.1 A party filing a document with the hearing officer shall furnish written proof that a copy also has been sent to every other party.

418.2 The proof shall show the date and manner of service and may be as follows:

- (a) Written acknowledgement of service;
- (b) Affidavit of the person making service;
- (c) Certificate of an attorney of record; or
- (d) By other proof satisfactory to the hearing officer.

418.3 Acknowledgement of service may be made by any person at the address shown on the document who is sixteen (16) years of age or older.

419. STYLE OF PLEADINGS AND PETITIONS

419.1 All pleadings, notices, orders and other papers filed under the provisions of this Chapter shall be captioned "Before the District of Columbia Water and Sewer Authority."

419.2 A document shall contain the DC Water Docket Number if assigned.

419.3 Each petition filed under this Chapter shall be styled in the manner of pleadings as provided in this Section.

419.4 Each document shall contain a title appropriate to the proceedings which describe generally the type of document, such as one of the following:

In the Matter of the _____ (Charges, Interest, Penalties, and Fees) for the water and sewer services rendered to _____ (Property Address) owned by _____ (Name of Owner of Record) and occupied by _____ (Name of Occupant)

419.5 Upon filing, each petition shall be given a docket number and shall become a matter of public record.

419.6 Each petition shall contain the following:

- (a) Facts related to the water and sewer service account including the following:
 - (1) The account number;
 - (2) The service address;

- (3) The name of the party who holds the account;
 - (4) The type of property and number of units;
 - (5) If petitioner is disputing billing charges, the date of the bill(s) in dispute and
 - (6) The number of people residing at the service address during the period of the disputed bill(s).
- (b) A concise statement of the facts concerning the dispute;
 - (c) Supporting data, facts, or evidence upon which petitioner relies as justification for the dispute; and
 - (d) If petitioner is disputing billing charges, a request for adjustment of the water and sewer service charges.

420. HEARINGS

- 420.1 A party to any hearing may invite any member of the public to attend the hearing.
- 420.2 Hearings shall be held at the location indicated on the hearing notice; Provided, that the hearing officer, at his or her discretion, may establish other permanent or temporary hearing locations.
- 420.3 The hearing officer shall ensure that the hearing is conducted in an orderly manner and shall have the authority to exclude any owner or occupant or other person from the hearing on the grounds of substantial interference with, or obstruction of, an orderly hearing process.
- 420.4 If an owner or occupant requests a hearing on charges from more than one water and sewer service or groundwater sewer service billing period, the hearing officer may consolidate the hearings.
- 420.5 The Rules of Civil Procedure and the Rules of Criminal Procedure for the Superior Court of the District of Columbia are not binding for these administrative hearings.
- 420.6 All testimony shall be given under oath or affirmation administered by the hearing officer.
- 420.7 The burden of proof shall be on the parties seeking relief.
- 420.8 The standard of proof shall be a preponderance of the evidence.
- 420.9 Hearing officers assigned to render a decision in any proceedings under this Chapter shall not communicate, directly or indirectly, with any person involved in or affiliated with any of the parties, except upon notice and opportunity for all parties to participate.
- 420.10 If any person refuses to respond to a subpoena, refuses to take the oath or affirmation as a witness, refuses to be examined, or refuses to obey any lawful order of the hearing officer, the hearing officer may petition the Superior Court of the District of Columbia for an order requiring compliance.

420.11 The hearing officer shall follow the general rules of evidence applicable to administrative hearings under the District of Columbia Administrative Procedure Act. P.L. 90-614 (D.C. Code § 2-501 *et seq.*)

421. ARGUMENT BEFORE THE HEARING OFFICER

421.1 The hearing officer shall give the parties to the proceeding adequate opportunity during the course of a hearing for the presentation of arguments in support of or in opposition to the petition for administrative review, motions, objections, and exceptions to the rulings of the Officer.

421.2 The hearing officer may impose time limits on the arguments.

421.3 Oral argument shall be recorded and will be available as part of the record.

422. FINAL DECISIONS

422.1 The hearing officer shall issue a final decision containing a concise statement of facts and conclusions of law.

422.2 The final decision shall include specific findings on each issue of fact and shall be based upon reliable, probative, and substantive evidence. Mere conclusory assertions or summaries of evidence shall not constitute a sufficient basis for findings or fact within the meaning of this Section.

422.3 The final decision of the hearing officer shall be based upon consideration of the entire record of the proceeding, and no evidence, information, or other knowledge, except that of which official notice is taken, shall be considered.

422.4 If the hearing officer rules in favor of the owner or occupant, and finds that the owner or occupant has made payments in excess of the amount due:

- (a) The amount of the overcharge shall be credited to the account and applied first to any outstanding account balance.
- (b) If after the adjustment and any outstanding account balance has been paid, the customer may request DC Water to issue a refund for any credit balance that remains.
- (c) If after the adjustment and any outstanding account balance has been paid, the customer does not request a refund, any credit will remain on the account and applied to future charges.

422.5 If the hearing officer rules in favor of the DC Water, and finds that the owner or occupant has outstanding water and sewer charges, the owner or occupant shall be required to pay the difference between the amount in escrow, if any, and the amount of outstanding charges, penalties, interest, and fees within fifteen (15) days of the notice of the decision.

423. PAYMENT

- 423.1 Checks or money orders shall be made payable to the “District of Columbia Water and Sewer Authority.”
- 423.2 Certified checks or cash shall be required for payments exceeding two hundred dollars (\$ 200).
- 423.3 If any check or other instrument offered to make any payment due is dishonored, the owner or occupant shall be responsible for any fees established by DC Water.

424. TRANSCRIPTS OF HEARING

- 424.1 Transcripts of the hearing proceedings may be ordered through a form provided by the General Manager.
- 424.2 The costs for transcript(s) of the hearing record shall be borne by the party requesting the transcript.
- 424.3 Fees for transcripts shall be at a rate set by the General Manager based on the costs DC Water has incurred.
- 424.4 Transcripts may be ordered upon payment of a deposit, the amount of which shall be set by the General Manager.
- 424.5 When the cost of the transcript has been determined to be less than the amount of the transcript deposit, the amount by which the deposit exceeds the cost of the transcript shall be refunded.
- 424.6 When the cost of the transcript is determined to exceed the amount of the transcript deposit, the petitioner shall be notified in writing of the balance due for preparing the transcript. The balance due shall be paid before the transcript is released.
- 424.7 If the owner or occupant fails to make a payment when due as required by this Section or if any check offered to make payment is dishonored, the request for the transcript shall be dismissed, and the deposit shall not be refunded.
- 424.8 Changes in the official transcripts shall be made only when they involve errors of substance.
- 424.9 A motion to correct a transcript shall be filed with the hearing officer and the other party within ten (10) days after receipt of the transcript.
- 424.10 If no objections to the motion are filed within ten (10) days after the filing of the motion, the transcript may, upon the approval of the chief hearing officer, be changed to reflect the corrections.
- 424.11 If objections to a motion to correct a transcript are received, the motion and objection shall be submitted to the reporter or transcriber by the chief hearing officer with a request to compare the transcript with the stenographic or other record of the hearing.
- 424.12 After receipt of the transcriber’s report, an order shall be entered by the hearing officer settling the

record and ruling on the motion.

425. TERMINATION OF WATER AND SANITARY SEWER SERVICES FOR NONPAYMENT

- 425.1 The purpose of this Section is to establish the criteria and procedures for terminating water and sewer services for nonpayment of any charges, penalties, interests, or fees permitted by law to be assessed against the owner or occupant of real property.
- 425.2 Except as otherwise provided in this Chapter, DC Water shall provide the owner or occupant with a final notice specifying that the water and sewer services will be terminated.
- 425.3 The final notice shall specify the date that service will be subject to termination.
- 425.4 In deciding whether or not to terminate water and sewer services for a delinquent account, the General Manager may consider the following:
- (a) Whether a tenant is eligible to establish an account in his or her own name;
 - (b) The payment history of the owner or occupant;
 - (c) Any other factor relevant to the efficacy of alternate methods of collecting the amounts due and owing; and
 - (d) Whether the owner or occupant has applied for any customer assistance programs for which the owner or occupant is eligible.

426. HONORING REQUESTS FROM OWNERS FOR TERMINATION OF WATER AND SEWER SERVICE

- 426.1 DC Water, upon receipt of a written request from the owner of a property provided water and sewer services, shall terminate services when one of the following conditions exists:
- (a) The property is vacant;
 - (b) There is an outstanding delinquent balance on the account;
 - (c) The water and sewer service has been terminated for nonpayment, and it is verified that service has been restored by the occupant or someone solicited by the occupant, without the authorization of DC Water; or
 - (d) The owner provides documentation that the property is occupied by parties without a legal right to be on the property and who occupy the property without the consent of the owner.
- 426.2 DC Water may request the owner to provide a notarized affidavit stating that the property is vacant or that it is occupied by parties without a legal right to be on the property and who occupy the property without the consent of the owner.

426.3 DC Water may determine that the request for termination of service will not be honored if the property is occupied and any of the following conditions exists:

- (a) There is no delinquent balance on the account and the property is occupied by tenants or others with the consent of the owner; or
- (b) The owner is the account holder, the tenant agrees to assume prospective responsibility for prospective water and sewer charges and the General Manager determines that it is practicable for the tenant to assume responsibility for the water and sewer charges.

427. REAL PROPERTY LIENS AND TAX SALE

427.1 When bills for water and sewer service charges, meter maintenance and repairs, or sanitary sewer services are more than sixty (60) days overdue, DC Water shall provide the owner of record with a written notice of intent to file a lien.

427.2 The written notice shall state the following:

- (a) The outstanding balance;
- (b) A notice that if the bills are not paid in full or payment arrangements are not made within fourteen (14) calendar days of the date of the notice, a certificate of delinquency may be filed by DC Water with the Recorder of Deeds;
- (c) That a certificate of delinquency shall constitute a lien against the real property; and
- (d) The owner of a single family home has the opportunity to present evidence that he or she occupies the premises.

427.3 The owner of a single family home who occupies the premises shall present evidence of occupancy within fourteen (14) calendar days of the date of the notice of intent.

427.4 Acceptable evidence of occupancy shall include the following with personal identifiable information redacted (e.g. social security number, date of birth and financial account number):

- (a) Income tax returns;
- (b) Non-driver's identification card or a valid driver's license;
- (c) The most recent electric, gas or telephone bill;
- (d) Proof of eligibility of Homestead Deduction in accordance with DC Official Code § 47–850; and
- (e) Other documentation considered credible by DC Water, including but not limited to a notarized affidavit.

- 427.5 Single family homes that are owner occupied, shall not be sold at tax sale for delinquent water and sewer charges, but a lien shall be attached to the real property until the outstanding balance is paid in full.
- 427.6 At the end of the fourteen-calendar day (14) period, if the balance has not been paid in full, a Certificate of Delinquency shall be filed by DC Water and mailed, by certified mail, to the owner of record at the address listed by the Office of Tax and Revenue for the receipt of tax notices.
- 427.7 Real property tax sales pursuant to this Section shall be conducted by the Office of Tax and Revenue.
- 427.8 The rules and regulations applicable to tax sales used by the Office of Tax and Revenue shall govern tax sales, under this Section.
- 427.9 If a rule or regulation of the Office of Tax and Revenue conflicts with a provision of the District of Columbia Water and Sewer Operations Amendment Act of 1990, ([D.C. Law 8-136](#)) or any statute governing the enforcement of water and sewer liens at tax sale, [D.C. Law 8-136](#) or the applicable statute shall govern.
- 427.10 The Director of the Department of Housing and Community Development may submit bids for properties to be included in the housing program, authorized by § 2 of the Act, and to make payments to the Water and Sewer Enterprise Fund from appropriations or sums otherwise provided.

428. OPPORTUNITY FOR A TENANT TO RECEIVE SERVICE IN OWN NAME

- 428.1 DC Water may permit the tenant(s) to receive the bills in their own name, when the owner or agent of the rental property fails to pay the delinquent account in full and it is determined to be practicable.
- 428.2 At least ten (10) working days prior to terminating water and sewer services to the premises, DC Water shall send a notice to the tenant(s) in accordance with § 425.2.
- 428.3 Once it is determined that the tenants will be billed directly for water and sewer charges, DC Water will read the meter on service at the affected address and render a final bill to the owner or the agent for the owner.
- 428.4 If water and sewer charges incurred by the tenant(s) remain unpaid for more than thirty (30) days after the rendering of a bill for the charges, penalties and interest shall be applied to the tenant's outstanding charges, and water and sewer services may be terminated.
- 428.5 If water and sewer service charges billed directly to the tenant or tenants are unpaid and result in the termination of services, the tenant or tenants shall be required to pay all delinquent charges, penalties, interest and fees incurred during the period they received bills.
- 428.6 If service has been terminated due to a delinquent tenant account, services shall not be restored until all charges, penalties, interest and fees for the property are paid in full.

429. SPECIAL PROVISIONS GOVERNING MASTER-METERED APARTMENT BUILDINGS

- 429.1 Section 428 shall apply to all master-metered water and sewer accounts in residential rental apartment buildings billed directly to the owner, agent, lessor, or manager of the premises (hereinafter referred to as “owner”).
- 429.2 DC Water shall provide the tenants with the opportunity to assume prospective financial responsibility for the water and sewer services pursuant to the provisions of §§ 428 and 430.

430. DETERMINATION OF PRACTICABILITY

- 430.1 DC Water may decide to continue water and sewer service to any master-metered residential, rental apartment building despite the nonpayment of a delinquent account by the owner, if the General Manager determines that it is practicable for the tenants to assume prospective financial responsibility for water and sewer services by receiving the service in their own names, either individually or collectively, on the same terms as any other customer and without any liability for the amount due while service was billed directly to the owner.
- 430.2 In order to qualify as a tenant group or association, the group or tenant association shall provide documentation that the following requirements have been met:
- (a) It is appointed as the authorized agent for each tenant;
 - (b) Have capital reserves equal to the estimated quarterly water and sewer service charges for the premises;
 - (c) It is authorized to collect water and sewer charges from each tenant and to pay the charges;
 - (d) Have a written agreement specifying the fair and equitable apportionment of the water bill to each tenant, and the tenant’s agreement to pay his or her portion of the bill to the tenant group or association in a timely manner;
 - (e) Maintain its records and a system of accounts in a manner consistent with generally accepted accounting principles;
 - (f) Agree to make its financial records available for inspection by the tenant; and
 - (g) Obtain a bond to guarantee the integrity of its financial transactions.
- 430.3 The General Manager may find that it is practicable to meter each apartment on the premises if the following requirements are met:
- (a) The owner of the premises agrees in writing to install individual meters for each

unit on the premises at the owner's expense and risk;

- (b) The owner agrees in writing to complete the installation within sixty (60) days of the date of the written agreement; and
- (c) Each tenant agrees in writing to establish an individual account in his or her name.

430.4 The General Manager may permit tenants to assume prospective financial responsibility for water and sewer service charges if there exists a tenant group or association that is willing and able to accept responsibility for collecting water and sewer bill payments from each tenant at the premises, and of paying each bill when it becomes due.

430.5 The General Manager shall prepare a finding of practicability which contains the following information:

- (a) The address of the premises;
- (b) The name of the owner;
- (c) The number of units;
- (d) A determination of whether it is feasible to meter each unit on the premises, pursuant to the provisions of § 430.3 of this Chapter;
- (e) If individual metering is not feasible, whether a tenant group or association exists which meets the requirements of § 430.2, and that the requirements of this Chapter have been met; and
- (f) Any other information pertaining to the premises and its service which may have a bearing on the General Manager's decision on practicability.

431. NOTICE TO TENANTS

431.1 At least fourteen (14) calendar days prior to terminating water and sewer services to the premises, the General Manager shall post notice outside the premises.

431.2 The notice shall provide the tenant(s) with the following information:

- (a) The owner is delinquent in the payment of water and sewer service charges;
- (b) Water and sewer services to the premises may be terminated;
- (c) DC Water may permit the tenants to establish a water and sewer account in their own names if the General Manager considers it is practicable under the provisions of § 430.1 of this Section;

- (d) The tenants may petition the Superior Court to establish a receivership;
 - (d) The tenants have the right to deduct all future payments made by the tenants for water and sewer services from rent owed as provided by DC Official Code § 34-2303 (b).
 - (f) The tenants may request to receive service in their own name either individually or collectively in accordance with the provisions of § 428;
 - (g) The time period within which the tenants or their authorized agents must request to assume prospective responsibility for water and sewer service charges; and
 - (h) The mailing address and telephone number of the office within DC Water, where the tenants can obtain additional information.
- 431.3 Each tenant shall agree in writing to establish an individual or collective water and sewer utility service account within thirty (30) days of the date on the notice issued pursuant to § 431.2.
- 431.4 Each tenant shall establish individual water and sewer service accounts within sixty (60) days of the date the General Manager finds that the following requirements are met:
- (a) It is practicable to install individual meters for each unit on the premises, and
 - (b) A tenant group that meets the requirements of this Chapter exists.
- 431.5 The tenants' group or association shall establish a water and sewer service account within thirty (30) days of the date the Director determines that it is practicable for the tenants to assume prospective responsibility for water and sewer and groundwater sewer service charges.
- 431.6 Tenants who move into the premises shall execute the agreement with the tenant group or association or establish an individual account.
- 431.7 The failure to execute a written agreement for individual or collective accounts and to establish a water and sewer service account in a timely manner shall result in the termination of water and sewer services to the premises.

432. TENANT PAYMENT OF WATER AND SEWER SERVICE BILL

- 432.1 The General Manager may terminate water and sewer service to the premises of a tenant who has agreed to accept responsibility for payment of water and sewer services charges individually or with a tenant association when the tenant or the tenant group or association is delinquent in payment.

432.2 The rights of the tenant group or association shall terminate upon the occurrence of any of the following:

- (a) The failure to make timely payments;
- (b) The failure of the tenant group or association to maintain bonding;
- (c) The failure of the tenant group or association to keep adequate records; or
- (d) The failure of the tenant group or association to obtain the consent of all the premises' tenants, including the consent of all tenants who move into the premises after the account is established.

432.3 Upon termination of the tenant group or association's account, DC Water shall bill the owner of the property directly for water and sewer charges.

499. DEFINITIONS

499.1 When used in this Chapter, the following words and phrases shall have the meanings ascribed:

Comparable periods -

- (a) No change in occupancy;
- (b) The same or like seasons; and
- (c) The same or like number of days and billing periods.

General Manager - The chief administrative officer of the District of Columbia Water and Sewer Authority or his or her designee.

Meter - Includes any device which is used to measure the amount of water utilized by consumers.

Occupant - any individual, corporation, association or partnership who holds or possesses a premises in subordination to the title of the owner of the premises, with the consent of the owner.

Owner - any individual, corporation, association, or partnership listed as the legal title holder of record.

Petitioner - an owner, occupant, owner's agent, applicant for certification to test backflow preventers or a holder of a certificate to test backflow preventers.

Practicable - For purposes of Section 430, a finding made by the General Manager that it is

feasible to individually meter each apartment on the premises, or that there exists a tenant group or association that meets DC Water's requirements.

Privately owned water meter - meter required to be installed, at no cost to DC Water, for the measurement of water supplied and used by commercial and industrial users or by premises with three (3) or more separate dwelling units.

Single family home - means a housing unit designed and maintained for occupancy by only one family.

Tenant - any person who holds or possesses a habitation in subordination to the title of the owner of the premises in which the habitation is located, with the consent of the owner.

DC Water - the District of Columbia Water and Sewer Authority or its lawful agent, successor in interest or designee.

This rulemaking will be effective upon publication of the Notice of Final Rulemaking in the *D.C. Register*.

The proposed rulemaking schedule shall be as follows:

July 27, 2021	Presentation of proposal to D.C. Retail Water & Sewer Rates Committee (RRC)
July 27, 2021	RRC recommendation for Board approval of proposed amendments to 21 DCMR Chapter 4 regulations
Sept. 2, 2021	BOD Approval of NOPR
Sept. 17, 2021	Publish NOPR in the <i>D.C. Register</i>
Sept. 17- Oct. 18, 2021	Public Comment period begins and closes
Oct. 26, 2021	Present response to comments to RRC
Oct. 26, 2021	RRC recommendation for Board approval and adoption of final amendments to 21 DCMR Chapter 4 regulations
Nov. 4, 2021	BOD Approval and Adoption of NOFR
Nov. 19, 2021	Publish NOFR in the <i>D.C. Register</i>
Nov. 19, 2021	Chapter 4 rules and billing system – Go-Live

Attachment F

FY 2021 Proposed RRC Committee Workplan			
Objective/Activities/Task	Date of Activity	Completed	Responsible Department
1. Fire Protection Service Fee for FY 2022, FY 2023, and FY 2024			
a. RRC recommend proposal for Fire Protection Service Fee	March 23, 2021	√	Rates and Revenue
b. Board approval of Notice of Proposed Rulemaking (NOPR)	April 1, 2021	√	
c. Publish NOPR in D.C Register	April 23, 2021	√	DGLA
d. Public Comment and Outreach	April 23 – May 24, 2021	√	Marketing & Comm.
e. RRC approval of final proposed Fire Protection Service Fee	June 22, 2021	√	Rates and Revenue
f. Board approval of Notice of Final Rulemaking (NOFR)	July 1, 2021	√	
g. Publish NOFR in D.C. Register	July 16, 2021	√	DGLA
h. Fire Protection Service Fee go-live	October 1, 2021 (FY 2022)		Rates & Revenue
2. Proposal to Amend Customer Assistance Program Regulations to Establish “DC Water Cares”, and Emergency Residential Relief Program for Low-Income Residential (CAP and CAP2) Customers			
a. Presentation to RRC on proposal to amend Customer Assistance Program (CAP) regulations for Residential Emergency Relief Program	October 20, 2020	√	Customer Service
b. RRC recommend approval of proposal to amend the CAP regulations for residential emergency relief program in FY2021	October 20, 2020	√	Customer Service
c. Board approval to publish Notice of Emergenct and Proposed Rulemaking (NOERP) to amend the CAP regulations for residential emergency relief program – Go-Live	November 5, 2020	√	Board of Directors
d. Publish NOEPR and Notice of Public Hearing in D.C. Register	November 20, 2020	√	DGLA
e. Public Comment Period	November 20, 2020 - January 5, 2021	√	Marketing & Comm.
f. Public Hearing*	January 13, 2021*	√	RRC
g. Public Comment Closes	January 18, 2021	√	Board Secretary
h. RRC approves final proposal to amend CAP regulations for residential emergency relief program	January 26, 2021	√	Customer Service
i. Board approval to publish Notice of Final Rulemaking (NOFR)	February 4, 2021	√	Board of Directors
j. Publish NOFR in D.C. Register	February 19, 2021	√	
k. Continue implementation under Final Emergency Relief Program Rules	February 19, 2021	√	DGLA Customer Service

Attachment F

FY 2021 Proposed RRC Committee Workplan			
Objective/Activities/Task	Date of Activity	Completed	Responsible Department
<p>3. New Program to Provide Assistance to Tenants in Multi-Family Buildings where Occupants have been Negatively Impacted by COVID and Payment Plans are Established and Adhered to; Assistance Amount to be Determined and Provided per Affordable Unit, and will be on a Matching Basis</p>			
a. <i>Presentation to RRC on update to amend Customer Assistance Program (CAP) regulations for Multi-Family Emergency Relief Program</i>	November 17, 2020	√	Customer Service
b. <i>RRC recommend approval of proposal to amend the CAP regulations for multi-family emergency relief program</i>	January 26, 2021	√	Customer Service
c. <i>Board approval to publish Notice of Emergency and Proposed Rulemaking (NOERP) to amend the CAP regulations for Multi-Family Emergency Relief Program</i>	February 4, 2021	√	Board of Directors
d. <i>Publish NOERP and Notice of Public Hearing in D.C. Register</i>	February 19, 2021	√	DGLA
e. <i>Public Comment Period</i>	February 19 – April 12, 2021	√	Marketing & Comm.
f. <i>Public Hearing*</i>	April 7, 2021	√	RRC
g. <i>Public Comment Period Closes</i>	April 12, 2021	√	Board Secretary
h. <i>Post on DC Water website Report of Response to Comments received during public comment period</i>	April 27, 2021	√	OMAC
i. <i>RRC approves final proposal to amend CAP regulations for Multi-Family Emergency Relief Program</i>	April 27, 2021	√	Customer Service
j. <i>Board approval to publish Notice of Final Rulemaking (NOFR)</i>	May 6, 2021	√	Board of Directors
k. <i>Publish NOFR in D.C. Register</i>	May 21, 2021	√	DGLA
l. <i>Continue Implementation under Final Multi-Family Emergency Relief Program</i>	May 21, 2021	√	Customer Service

Attachment F

FY 2021 Proposed RRC Committee Workplan

Objective/Activities/Task	Date of Activity	Completed	Responsible Department
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4. New High Flow Filter Backwash Sewer Service Rate			
<i>a. Presentation to RRC amend Retail Sewer Rates Regulations to Establish new Filter Backwash Sewer Rate</i>	July 27, 2021		Clean Water Quality and Technology
<i>b. RRC recommend approval of proposal to amend the Retail Sewer Rates Regulations to Establish new Filter Backwash Sewer Rate</i>	July 27, 2021		RRC
<i>c. Board approval to publish Notice of Proposed Rulemaking (NOPR) to amend the Retail Sewer Rates Regulations to Establish new Filter Backwash Sewer Rate</i>	September 2, 2021		Board of Directors
<i>d. Publish NOPR and Notice of Public Hearing in D.C. Register</i>	September 17, 2021		DGLA
<i>e. Public Comment Period</i>	Sept. 17 – Nov. 15, 2021		Marketing & Comm. RRC
<i>f. Public Hearing*</i>	November 10, 2021 "Tentative"		Board Secretary RRC
<i>g. Public Comment Period Closes</i>	November 15, 2021		
<i>h. RRC approves final proposal to amend Retail Sewer Rates Regulations to Establish new Filter Backwash Sewer Rate</i>	November 16, 2021		
<i>i. Post Response to Comments Report on DC Water website</i>	November 30, 2021		OMAC
<i>j. Board approval to publish Notice of Final Rulemaking (NOFR)</i>	December 2, 2021		Board of Directors
<i>k. Publish NOFR in D.C. Register</i>	December 17, 2021		DGLA
<i>l. Implementation of the new High Flow Filter Backwash Sewer Rate</i>	December 17, 2021		CWQT

5. Establish Separate Sewer Area Backwater Reimbursement Program			
<i>a. RRC Proposes to the Board the Proposal to Implement Separate Sewer Area Backwater Reimbursement Program</i>	January 26, 2021	√	DETS
<i>b. Board Approval to Implement Separate Sewer Area Backwater Reimbursement Program</i>	February 4, 2021	√	Board of Directors

* Date subject to change

Attachment F

FY 2021 Proposed RRC Committee Workplan			
Objective/Activities/Task	Date of Activity	Completed	Responsible Department
6. Proposal to Amend CAP Regulations to Extend DC Water Cares Residential and Multi-family Programs for FY 2022			
a. Update to RRC on DC Water Cares Residential and Multi-family Assistance Programs (RAP and MAP Programs for FY 2022	June 22, 2021	√	Customer Service
b. Presentation of Proposal to RRC to Amend CAP Regulations to Extend DC Water Cares RAP and MAP Programs for FY 2022 and publication of NOEPR	July 27, 2021		Customer Service
c. RRC Recommends Approval of Proposal to Board to Amend the CAP Regulations to Extend DC Water Cares RAP and MAP Programs for FY 2022	July 27, 2021		RRC
d. Board Approval to Publish Notice of Emergency and Proposed Rulemaking (NOEPR) to Amend CAP Regulations to Extend DC Water Cares RAP and MAP Programs for FY 2022	September 2, 2021		Board of Directors
e. Publish NOEPR and Notice of Public Hearing in D.C. Register	September 17, 2021		DGLA
f. Public Comment Period Begins	Sept. 17 – Nov. 15, 2021		Marketing & Comm.
g. Implement extended DC Water Cares RAP and MAP Programs for FY 2022	October 1, 2021		Customer Service
h. Public Hearing	November 10, 2021 ^{“Tentative”}		RRC
i. Public Comment Period Closes	November 15, 2021		Board Secretary
j. Present response to comments & final proposal to RRC	November 16, 2021		OMAC
k. RRC Recommends Approval for Final Proposal to Amend CAP Regulations to Extend DC Water Cares RAP and MAP Programs for FY 2022 and publication of NOFR	November 16, 2021		RRC
l. Post Response to Comments on DC Water website	November 30, 2021		OMAC
m. Board Approval to Publish Notice of Final Rulemaking (NOFR) to Amend CAP Regulations to Extend DC Water Cares RAP and MAP Programs for FY 2022	December 2, 2021		Board of Directors
n. Publish NOFR in the D.C. Register	December 17, 2021		DGLA
o. Continue Implementing DC Water Cares RAP and MAP Programs	December 17, 2021		Customer Service
* Date subject to change			
7. 2022 Cost of Service Study (COS) for Water, Sewer and CRIAC			
a. Present COS to RRC	January 25, 2022		Rates & Revenue
b. Post Final COS on DC Water's website	January 31, 2022		
* Date subject to change			

Attachment F

FY 2021 Proposed RRC Committee Workplan			
Objective/Activities/Task			
8. Amend 21 DCMR Chapter 4			
a. <i>Present Proposed Revisions to Regulations for Customers Challenging their Bills to RRC</i>	July 27, 2021		Customer Service
b. <i>RRC recommendations for Board approval for of proposal proposed to amendments to 21 DCMR Chapter 4 regulations</i>	July 27, 2021		RRC
c. <i>Board Approval to Publish Notice of Proposed Rulemaking (NOPR) to Amend 21 DCMR Chapter 4 regulations</i>	September 2, 2021		Board of Directors
d. <i>Publish NOPR in DC Register</i>	September 17, 2021		Legal Affairs
e. <i>Outreach and Public Comment Period</i>	Sept. 17 – Oct. 18, 2021		OMAC & Board Secretary
f. <i>RRC recommendation for Board approval and adoption of final amendments to 21 DCMR Chapter 4 regulations</i>	October 26, 2021		RRC
g. <i>Board Approval and Adoption of Notice of Final Rulemaking (NOFR) to Amend 21 DCMR Chapter 4 regulations</i>	November 4, 2021		Board of Directors
h. <i>Publish NOFR in the DC Register</i>	November 19, 2021		DGLA
i. <i>Chapter 4 Rules and Billing System – Go Live</i>	November 19, 2021		Customer Service
* Date subject to change			
9. Delinquent Accounts			
a. <i>Soldiers Home Negotiations</i>	Monthly, as needed		DGLA
10. Rate Stabilization Fund			
a. Rate Stabilization Fund	Monthly, as needed		Rates & Revenue



Attachment G

**D.C. WATER AND SEWER AUTHORITY
BOARD OF DIRECTORS
RETAIL WATER & SEWER RATES
COMMITTEE MEETING**

**Tuesday, September 28, 2021; 9:30 a.m.
AGENDA**

Call to Order	Committee Chairman
Monthly Updates	Chief Financial Officer
Committee Workplan	Chief Financial Officer
Agenda for October 26, 2021 Committee Meeting	Committee Chairman
Other Business	Chief Financial Officer
Adjournment	

*Detailed agenda can be found on DC Water's website at www.dewater.com/about/board_agendas.cfm