



Title 21
DEPARTMENT OF PUBLIC WORKS
Subtitle 03 Bureau of Water and Wastewater - Billing
21.03.04 Water for All

Authority: City Code, Art. 24 § 1-1; Art. 25 § 1-2; Art. 27 § 1-2.

Notice of Proposed Action

The Acting Director of the Department of Public Works proposes to adopt new regulations **.01 – .09** under **COBRA 21.03.04 Water for All**.

Statement of Purpose

The purpose of this action is to establish regulations for the Water for All water discount program, as enacted by ordinance 20-336 Water Accountability and Equity Act. The Water for All discount program provides for a credit to be issued to customers whose income qualifies them to participate in the program. The credit shall be calculated by a specific formula.

Opportunity for Public Comment

Comments may be sent to the Office of Legislative Affairs, Baltimore City Department of Public Works, 200 Holliday Street, Room 203, Baltimore, MD 21202. Comments on the proposed regulations can be emailed to: publicworks@baltimorecity.gov. Please include the following in the email subject line: Water for All Comments. Comments will be accepted through July 17, 2021. A public hearing has not been scheduled.

21.04 Water for All Program

21.04.01. Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) “Applicant” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
 - (2) “Authorized representative” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
 - (3) “Centralized meter” means a master meter.

- (4) “Customer” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (5) “Department; DPW” have the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (6) “Director; DPW Director” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (7) “Federal Poverty Level” means the federal government’s official poverty income guidelines, as published annually by the United States Department of Health and Human Services.
- (8) “Household” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (9) “Recipient” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (10) “Tenant” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (11) “Tenant-water-utility-customer” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (12) “Water-for-All Credit” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.
- (13) “Water-for-All Discount Program” has the meaning stated in Article 24, Subtitle 1, Baltimore City Code.

21.04.02. Authority and Applicability.

21.04.02.01. Authority. The Director has the authority to adopt regulations governing its operations pursuant to City Code, Art. 24 § 1-1; Art. 25 § 1-2; Art. 27 § 1-2.

21.04.02.02. Applicability. These regulations apply to Baltimore City residents who receive bills from the City for water, wastewater, and/or storm water charges mailed on or after the effective date of these regulations.

21.04.03. Water-for-All Discount Program – Eligibility and Application.

21.04.03.01. Eligibility.

- A. Customers whose household income in the previous calendar year

starting on January 1 of that year is less than 200% of the Federal Poverty Level.

- B. Customers are not required to be citizens or permanent residents of the United States in order to be eligible for the Water-for-All Discount Program.
- C. The eligible discount lasts for one year from the date it is distributed.
- D. Customers enrolled in the Water-for-All Discount Program must certify their eligibility annually and provide updated information as required or requested by the City.

21.04.03.02. Application.

- A. There shall be a standard Water-for-All Discount Program Application developed by the Department.
- B. Customers may complete an application and submit it to the Department in person or electronically via the internet.
- C. Except as otherwise provided in this section, a completed application shall include:
 - (1) A copy of the customer's water bill with the customer's name clearly visible and
 - (2) The requisite information specified by Article 24, Subtitle 2, §2-7(b), Baltimore City Code.
- D. If the customer is a tenant, a complete application must also include verification that the tenant pays a separate amount for water or wastewater services to the landlord. This verification can be satisfied with a copy of the lease proving that water is not included as rent or additional rent.
- E. The Department will request documentation to verify information provided in the application per Section 2-7(c) of Article 24 of the City Code.
- F. If verifiable information on income eligibility can be obtained from a State program, the Department will enroll the customer in the Water-for-All Discount Program without needing proof of income eligibility or identity.
- G. If verifiable information on income eligibility cannot be obtained from a State program, the Applicant will be given an appointment

time to present the following verification:

- (1) Proof of identity for every household member whose income is being evaluated for the application and
- (2) Proof of income, which includes but is not limited to:
 - a. Current Pay Stubs;
 - b. W2s, 1099s, and/or Current Tax Return(s);
 - c. SSI Benefit Letters, Pension Statements, etc.;
 - d. Unemployment Determination Letters;
 - e. Verification of Medical Assistance, Food Stamps, or other Public Assistance Program;
 - f. SSI Benefit Notices;
 - g. Verification of Eligibility for Social Security;
 - h. Veterans/Social Security Disability Benefits;
 - i. Notarized Statements of Non-Income (adults); or
 - j. Notarized Statements of Non-Occupancy from Former Co-Owner or Additional Leaseholder.

21.04.03.03. Continued eligibility.

- A. If at any time a member of the household's income increases, that household member is required to notify the Department by using the form available online or in person.
 - (1) The Department will then determine if the credit can continue or must be rescinded because the household income exceeds program eligibility requirements.
 - (2) If the household is no longer eligible for the credit, the Finance Department will take the steps necessary in each case to recoup the credit for any period of ineligibility.
 - (3) If the increased household income does not result in ineligibility, then the household will continue to receive the same amount of credit for the year as calculated at the time of enrollment.
- B. If it is determined that a member of the household fails to notify the Director that their household income has increased, or if it is

determined that a credit was provided in error due to the fraudulent misrepresentation of household income, the credit will be rescinded and any credit obtained using the fraudulent information shall be repaid. The household will not be able to recertify eligibility in the following year but must re-enroll.

- C. A customer enrolled in the Water-for-All Discount Program will receive a yearly statement at least 60 days before the end of each calendar year that will notify of the requirement to re-certify eligibility. Recertification requires each member of the household whose income was used for the credit calculation to:
 - (1) Sign a statement affirming, under penalty of perjury, that the conditions evaluated for initial enrollment remain unchanged and
 - (2) If income cannot be verified by enrollment in an eligible state program, updated proof of income will be required for recertification.
- D. If any of the conditions evaluated for initial enrollment change, the customers in the household must reapply for the credit.

21.04.04. Water-for-All Discount Program – Credit Calculation.

21.04.04.01. Each eligible residential or tenant-water-utility customer who submits a complete application containing the information required by this chapter, shall receive a Water-for-All Credit as follows:

- A. Eligible residential customers shall receive 1 fixed annual credit for each household. Only 1 credit is allowed per household per calendar year.
- B. Eligible tenant-water-utility customers shall receive only 1 annual credit per eligible customer. However, where there are multiple tenants sharing rent in a household, the credit shall be divided equally among those who are on the lease or rental agreement or who otherwise verify that they are eligible tenant-water-utility customers. For subleases, the credit shall be prorated for the time that the sublessee is an eligible tenant-water-utility customer living in that household.

21.04.04.02. Amount of Credit.

- A. Formula.

The Water-for-All Credit is determined by the formula:

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

Where

(1) C = the Water-for-All Credit,

(2) B = either:

a. The recipient's estimated annual water and wastewater bill, inclusive of volumetric usage charges, the account management fee, and infrastructure charges, based on the recipient's historical average annual water usage and the projected rate schedule for the year; or

b. If water and wastewater utility service is master-metered and the owner bills the cost of service to a tenant-water-utility-customer on an allocated basis, the recipient's estimated annual water and wastewater bill, based on evidence of prior billings occurring during the tenant recipient's current lease or rental-agreement term and exclusive of the owner's administrative charges related to the allocation,

(3) I = the recipient's estimated annual household income,

(4) A = affordability threshold as follows:

a. If the recipient's annual household income is 50% or less than the federal government's official poverty income guidelines, A equals 1%;

b. If the recipient's annual household income is greater than 50% but not greater than 100% of the federal government's official poverty income guidelines, A equals 2%; and

c. If the recipient's annual household income is greater than 100% of the federal government's official poverty income guidelines, A equals 3%.

B. Negative C.

For all negative values of C, the Water-for-All Credit is zero dollars.

C. Proration.

The 1st annual Water-for-All Credit shall be prorated, accounting from the date of the recipient's enrollment in the Program.

21.04.04.03. Calculating income. In calculating annual household income for both eligibility and amount of the Water-for-All credit, the Director shall use the same countable and non-countable income specified, in COMAR 07.03.22.04, as amended from time to time, by the Maryland Department of Human Resources for its "Electric Universal Service Program."

21.04.05. Water-for-All Discount Program – Distribution of the Credit.

The Water-for-All Discount Program credit shall be distributed as specified by Section 2-9 of Article 24 of the Baltimore City Code.

21.04.06. Water-for-All Discount Program – Distribution of the Checks.

- A. Any customer eligible to receive a check in the amount of the Water-for-All Discount Program credit shall provide any necessary information needed for the City to issue checks.
- B. If a customer forfeits a credit, they may reapply for the Water-for-All Discount Program.
- C. Any forfeited credits shall be returned to the appropriate water, wastewater, or stormwater utility enterprise funds.
- D. The City shall issue the appropriate United States Internal Revenue Service Form 1099 if the value of the checks issued to a single recipient exceeds the threshold for taxable income. It is the responsibility of the recipient to ensure any and all federal, state, or local income taxes owed are paid.

21.04.07. Termination of Service.

The procedures for transferring and disbursing credits when a customer terminates water service shall be disbursed in the manner specified by Article 24, Subtitle 2, §2-9(b), Baltimore City Code.

21.04.08. Enrollment Confirmation.

Once a customer is enrolled in the Water-for-All Discount Program, the Department shall provide a written statement in the manner specified by Article 24, Subtitle 2, §2-12, Baltimore City Code.

21.04.09. Existing Affordability Program – BH2O Assists.

- A. Effective July 1, 2021, no new applications shall be accepted for the BH2O Assists billing assistance program.
- B. Customers currently enrolled in the BH2O Assists billing assistance program as of July 1, 2021 shall be allowed to continue in the program until July 1, 2022 after which the BH2O Assists program shall cease.
- C. Customers may not participate in both the BH2O Assists Program and the Water-for-All Discount Program. A customer's participation in the Water-for-All Discount Program shall immediately void their participation in the BH2O Assists program.

Adopted and Approved:

DPW Acting Director Jason W. Mitchell

Approved for form and legal sufficiency:

Baltimore City Law Department

Received by Department of Legislative Reference