



DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

Board of Directors

DC Retail Water and Sewer Rates Committee

*Tuesday, April 27, 2021
9:30 a.m.*

Microsoft Teams Meeting
Join on your computer or mobile app
[Click here to join the meeting](#)
Or call in (audio only)
[+1 202-753-6714, 892227988#](#)
Phone Conference ID: 892 227 988#

- 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. **Approve Notice of Final Rulemaking to Amend Customer Assistance Program Regulations to Establish “DC Water Cares”: Multi-family Assistance Program for Low-Income Multi-family Tenants** **Armon Curd**
- 5. **Action Item (Attachment C) Armon Curd**
Approve Notice of Final Rulemaking to Amend Customer Assistance Program Regulations to Establish “DC Water Cares”: Multi-family Assistance Program for Low-Income Multi-family Tenants (Action Item 1)
- 6. **DC Retail Water and Sewer Rates Committee WorkplanMatthew Brown**
FY 2021 Proposed DC Retail Rates Committee Workplan (Attachment D)
- 7. **Agenda for June 22, 2021 Committee Meeting (Attachment E) Rachna Bhatt, Chairperson**
- 8. **Other BusinessMatthew Brown**
- 9. **Executive Session***
- 10. **Adjournment**

*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 March 31, 2021

DEPARTMENT OF FINANCE

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

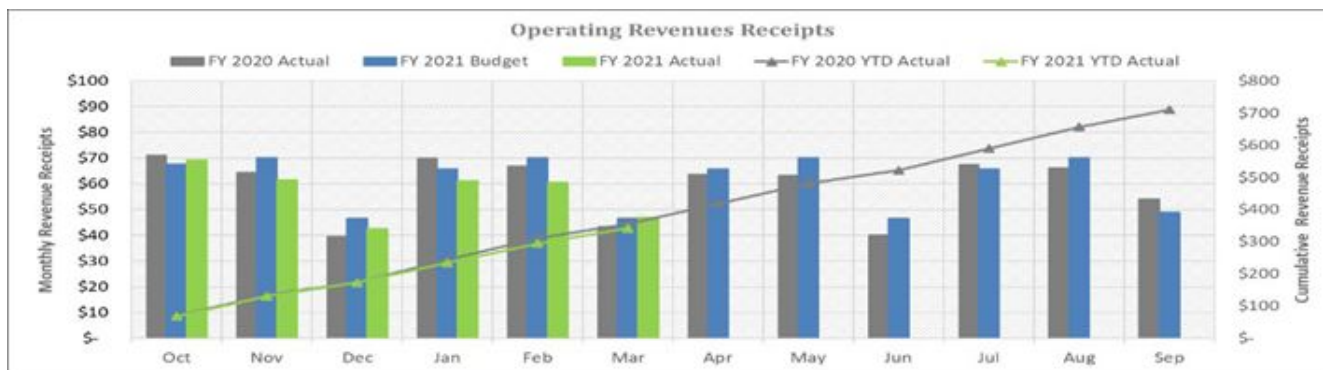
Syed Khalil, Director, Rates & Revenue

Monthly Report to DC Retail Water and Sewer Rates Committee

Fiscal Year-to-Date
As of March 31, 2021

Operating Revenues (\$000's)

FY 2020		CATEGORY	FY 2021					
Actual			Year-to-Date Performance					
Total Annual	YTD March		Annual Budget	YTD Budget	Actual	% of Budget	Variance \$ Fav(Unfav)	Variance % Fav(Unfav)
\$396,884	\$201,540	Residential / Commercial / Multi-Family	\$421,633	\$210,816	\$190,439	45.2%	(\$20,377)	(9.7%)
71,954	36,357	Federal	77,571	38,786	38,586	49.7%	(200)	(0.5%)
18,067	8,995	Municipal (DC Govt.)	18,377	9,189	10,412	56.7%	1,224	13.3%
10,998	5,581	DC Housing Authority	11,941	5,970	6,131	51.3%	161	2.7%
11,829	5,789	Metering Fee	15,405	7,703	7,149	46.4%	(553)	(7.2%)
41,456	20,205	Water System Replacement Fee (WSRF)	39,717	19,858	20,995	52.9%	1,137	5.7%
79,157	41,009	Wholesale	81,986	40,993	41,518	50.6%	525	1.3%
21,546	10,890	PILOT/ROW	22,463	11,231	10,406	46.3%	(825)	(7.3%)
58,206	24,232	All Other	44,645	21,073	16,398	36.7%	(4,674)	(22.2%)
\$710,097	\$354,599	TOTAL	\$733,738	\$365,619	\$342,035	46.6%	(\$23,583)	(6.5%)



VARIANCE ANALYSIS FOR MAJOR REPORTED ITEMS

At the end of March 2021, cash receipts totaled \$342.0 million, or 46.6 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 March were \$46.9 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 second quarterly payment in January), and wholesale customers (which made their second quarter payment in February).

Areas of Overcollection	Areas of Undercollection
<p><u>District Government</u> – Receipts are slightly higher at \$10.4 million or 56.7 percent of the budget. The March receipts are at \$1.9 million. The March 2021 receipts are higher by \$0.4 million as compared to the monthly budget of \$1.5 million.</p> <p><u>DC Housing</u> - Receipts are slightly higher at \$6.1 million or 51.3 percent of the budget. The March 2021 receipts are slightly higher by \$0.1 million as compared to the monthly budget of \$1.0 million.</p> <p><u>Wholesale</u> – The wholesale customers actual receipts through March 2021 total \$41.5 million or 50.6 percent of FY 2021 budget. The wholesale customers made their second quarter payment of \$19.6 million in February 2021.</p>	<p><u>Residential, Commercial and Multi-Family</u> – Receipts for this category are lower at \$190.4 million or 45.2 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 March 2021 receipts were higher by \$1.7 million or 5.0 percent as compared to the monthly budget of \$35.1 million.</p> <p><u>Federal</u> - Actual receipts through March 2021 total \$38.6 million or 49.7 percent of the budget. The Federal government made their second quarter payment in January 2021.</p> <p><u>PILOT/ROW</u> – The YTD receipts for PILOT/ROW are slightly lower at \$10.4 million or 46.3 percent of the budget. The March 2021 receipts are slightly lower by \$0.3 million as compared to the monthly budget.</p> <p><u>Other Revenue</u> - Receipts are lower at \$16.4 million or 36.7 percent of the budget. The \$4.7 million lower receipts are primarily due to (i) \$1.8 million lower receipts from System Availability Fee, (ii) \$2.2 million lower miscellaneous receipts, and (iii) \$1.0 million lower Developer Contractor Fees (water and sewer). The March receipts for Other Revenue were \$1.7 million lower than the budget.</p>

Monthly Report to DC Retail Water and Sewer Rates Committee

Fiscal Year-to-Date
As of March 31, 2021

Operating Revenues Detail

(\$ in millions)

Revenue Category	FY 2021 Budget	YTD Budget	Actual	Variance Favorable / (Unfavorable)		Actual % of Budget
Residential, Commercial, and Multi-family	\$421.6	\$210.8	\$190.4	(\$20.4)	-9.7%	45.2%
Federal	77.6	38.8	38.6	(0.2)	-0.5%	49.7%
District Government	18.4	9.2	10.4	1.2	13.3%	56.7%
DC Housing Authority	11.9	6.0	6.1	0.2	2.7%	51.3%
Customer Metering Fee	15.4	7.7	7.1	(0.6)	-7.2%	46.4%
Water System Replacement Fee (WSRF)	39.7	19.9	21.0	1.1	5.7%	52.9%
Wholesale	82.0	41.0	41.5	0.5	1.3%	50.6%
Right-of-Way Fee/PILOT	22.5	11.2	10.4	(0.8)	-7.3%	46.3%
Subtotal (before Other Revenues)	\$689.1	\$344.5	\$325.6	(\$18.9)	-5.5%	47.3%
Other Revenue without RSF						
IMA Indirect Cost Reimb. For Capital Projects	5.1	2.5	2.3	(0.2)	-8.0%	45.1%
DC Fire Protection Fee	12.5	6.3	6.3	0.0	0.0%	50.4%
Stormwater (MS4)	1.0	0.5	0.6	0.1	20.0%	60.0%
Interest	3.4	1.7	2.2	0.5	29.4%	64.7%
Developer Fees (Water & Sewer)	6.0	3.0	2.0	(1.0)	-33.3%	33.3%
Transfer From Rates Stabilization	2.5	0.0	0.0	0.0	0.0%	0.0%
System Availability Fee (SAF)	7.7	3.9	2.1	(1.8)	-46.2%	27.3%
Others	6.4	3.2	1.0	(2.2)	-68.8%	15.6%
Subtotal	\$44.6	\$21.1	\$16.4	(\$4.7)	-22.2%	36.7%
Rate Stabilization Fund Transfer	\$0.0	\$0.0	\$0.0	\$0.0	0.0%	0.0%
Other Revenue Subtotal	\$44.6	\$21.1	\$16.4	(\$4.7)	-22.2%	36.7%
Grand Total	\$733.7	\$365.6	\$342.0	(\$23.6)	-6.5%	46.6%

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

Customer Category	Water	Sewer	Clean Rivers			Total
			IAC	Metering Fee	WSRF	
Residential	\$17,240	\$27,193	\$13,768	\$3,218	\$4,761	\$66,180
Commercial	\$26,391	\$29,880	\$16,670	\$2,170	\$8,355	\$83,466
Multi-family	\$20,921	\$32,177	\$6,199	\$1,024	\$3,723	\$64,044
Federal	\$12,871	\$14,631	\$11,084	\$402	\$3,032	\$42,020
District Govt	\$2,728	\$3,691	\$3,993	\$255	\$915	\$11,583
DC Housing Authority	\$2,241	\$3,319	\$571	\$79	\$209	\$6,420
Total:	\$82,391	\$110,891	\$52,286	\$7,149	\$20,995	\$273,713

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 Favorable / <Unfavorable>	Variance % of YTD Budget	Actual % of Budget
Residential	\$24,793	\$12,397	\$13,768	\$1,372	11%	56%
Commercial	\$28,102	\$14,051	\$16,670	\$2,619	19%	59%
Multi-family	\$11,370	\$5,685	\$6,199	\$514	9%	55%
Federal	\$21,541	\$10,771	\$11,084	\$314	3%	51%
District Govt	\$7,663	\$3,832	\$3,993	\$162	4%	52%
DC Housing Authority	\$1,135	\$568	\$571	\$3	1%	50%
Total:	\$94,604	\$47,302	\$52,286	\$4,984	11%	55%

Monthly Report to DC Retail Water and Sewer Rates Committee

Fiscal Year-to-Date
As of March 31, 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

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 March 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 Feb (All Categories)				Total Delinquent				
	W & S		Total No. of	Active		Inactive		Feb		March		
	a/c	Impervious Only		a/c	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	8,989	2,255	11,244	1,504	\$5,773,150	45	\$111,327	1,580	\$6,535,593	1,549	\$5,884,476	25%
Multi-family	8,480	336	8,816	1,247	\$8,089,545	16	\$93,262	1,273	\$8,094,300	1,263	\$8,182,807	35%
Single-Family Residential	106,753	2,249	109,002	11,678	\$9,459,119	123	\$88,777	12,120	\$9,289,892	11,801	\$9,547,896	40%
Total	124,222	4,840	129,062	14,429	\$23,321,813	184	\$293,365	14,973	\$23,919,785	14,613	\$23,615,179	100%

Notes: Included in the above \$23.6 million (or 14,613 accounts) of the DC Water over 90 days delinquent accounts, \$4,162,704.33 (or 1,530 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 (14,613) as a percentage of total accounts (129,062) is 11.3 percent.

Monthly Report to DC Retail Water and Sewer Rates Committee

Customer Arrears Data

Arrears by Customer Category

	<u>Over 30 Days</u>		<u>Over 60 Days</u>		<u>Over 90 Days</u>	
	<u>No. of Accts</u>	<u>(\$)</u>	<u>No. of Accts</u>	<u>(\$)</u>	<u>No. of Accts</u>	<u>(\$)</u>
Residential	21,641	\$ 13,185,916.86	14,905	\$ 11,114,408.42	11,801	\$ 9,547,895.73
Multi-family	2,084	\$ 12,475,724.95	1,546	\$ 9,839,573.90	1,263	\$ 8,182,806.50
Commercial	2,453	\$ 8,670,483.28	1,790	\$ 6,521,910.78	1,549	\$ 5,884,476.35

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.)

Balances as of March 31, 2021

Credit Balances (Liability)	Debit Balances (Receivables)
\$43.7 million	\$9.7 million

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 300 customers have submitted refund requests (impacting approximately about 500 accounts) as of April 7, 2021. Time is required to research and process the refund requests, and Permits 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.



Multi-family Emergency Assistance Program

Presentation to DC Retail Water and Sewer Rates Committee, April 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 Final Rulemaking, Section 4102, Customer Assistance Programs, to enact regulations for the "DC Water Cares Program" the multi-family emergency assistance approved in DC Water Board Resolution 20-65 on November 5, 2020

Program Design

DC Water's assist tenants living in multi-family dwellings (4+ units), not owned by District or Federal government, facing financial risk; due to COVID-19 with a two-pronged program design to serve those tenants in need. This program includes master metered condominium and cooperative housing.

- “Affordable Housing Unit” owner program based on the DC Housing Department approved and completed projects, as well as the Housing & Urban Development Low-Income Housing Tax Credit locations
- Qualified tenants (less than or equal to 80% AMI) who do not live-in affordable housing units or are not fully subsidized by other programs

Program benefits are calculated per unit based on the higher of average 3 months of the water bills or the past due balance as of 12/31/2020. Capped at \$2,000 per unit.

90% of the benefit amount provided will be provided as a rent credit to the tenant and the owner will retain 10%

DC Water's will require self-certification of the COVID-19 impact by the household. This certification would be subject to audit and assistance would be removed if found to be unsupported.

Owners will enter an agreement with DC Water to comply with required program obligations.

DC Water has set aside an estimated \$720,000 for administrative costs to run the program

Customer Outreach

Direct Customer Outreach

- Customer Bill Messages
- Customer Call & Letter Campaign
- Customer referral to program when they contact DC Water

Advertising

- Marketing campaign to include paid print, radio, social media, digital and outdoor (bus and bus shelter) advertising. (\$50,000 budget)
- Regional collaboration of water/sewer utilities, led by COG, on ad campaign during National Drinking Water Week (May 2-8).

Traditional Media

- WAMU and DCist have already covered the topic.
- Currently pitching other media outlets.

Social Media

- Posts and paid digital ads targeting District residents on Facebook and Instagram
- Posts on Nextdoor in neighborhoods across the District

Customer Outreach

Online Materials

- DC Water website
- Mayor's coronavirus website now includes information for utility customers:
<https://coronavirus.dc.gov/utilityhelp>

Community Outreach and Partnerships

- DC Water & Office of People Council have identified 48 additional agencies ranging from legal aid to tenants' associations for potential outreach events
- OPC is also scheduling its own outreach events to promote the program
- Attending ANC meetings to promote the program
- In addition, given the success we have seen in our partnership with OPC we welcome the same collaboration with the Office of Tenant Advocate.

Grass Roots Communication

- Outreach to the Restaurant Association of Washington for members and employees
- Outreach to food banks. Martha's Table and Bread for the City are placing current fliers in the food bags. They will be given updated fliers with Multifamily Housing Assistance Program information on the flip side of the Residential Assistance Program flier, so hopefully we reach both audiences. Fliers to print week of April 19, 2021.
- Engage pastors asking they share information with their congregants.

OPC Public Hearing & Written Comments

The Office of People’s Council noted that this program was a positive development for low- and moderate-income customers. A summary of other feedback & DC Water’s response

Summary of Comment	DC Water Response
<p>OPC indicates their desire to continue to collaborate on outreach and education to eligible customers & noted the positive collaboration to date</p>	<p>DC Water has also found this partnership beneficial and desires to continue the current collaboration.</p>
<p>OPC found the additional arrearage reporting information beneficial and request the following additional reporting now & once the moratorium ends</p> <ul style="list-style-type: none"> • Deferred payment arrangements & \$ • # of non-pay termination • # of arrearage restorations • # of disconnect notices • Total \$ of uncollectible accounts 	<p>DC Water will work in partnership with OPC, the Board and the District to utilize reporting to help understand needed assistance and resource usage.</p>
<p>Collaborate further on OPC Water Affordability Study</p>	<p>DC Water appreciates the opportunity to receive and collaborate on the study and is focused on affordability for its customers.</p>

DOEE Written Comments

Summary of Comment	DC Water Response
DOEE suggested some grammatical changes	DC Water made suggested grammatical changes (i.e. standardize capitalization, punctuation...)
Add to the regulations where the remaining 10% of the funding is utilized	DC Water updated the rule making to clarify that the remaining 10% is for the owner.
Improve the clarity of referenced items to the regulation: <ul style="list-style-type: none"> • Definition for statement of credit • Timeframe for categorically eligible • Update the application name reference 	DC Water added these clarifications to the rule making
Add to the regulation the proposed appeal process	DC Water updated the rule making to reflect the notification and grievance process

Office of the Tenant Advocate Written Comments

Summary of Comment	DC Water Response
<p>The term “affordable housing unit” should be defined to include rent-controlled units in addition to those fitting under AMI caps</p>	<p>DC Water revised the rulemaking to define the term “affordable housing unit” per 21 DCMR § 199.1</p> <p>DC Water considered the recommendation to include “rent control building” but household income limits for all occupants in rent control buildings may not meet the MAP requirements. Occupants that do not reside in AHUs can still qualify for MAP assistance under the other categorical criteria or applying through DOEE.</p>
<p>MAP should incorporate education and outreach initiatives to reach tenants and explain the benefits of the program.</p>	<p>DC Water outreach and education are broad and effective and has resulted in participation that has exceeded expectation in just 2 months. We welcome the Office of Tenant Advocate to join us in this outreach, much like the Office of Peoples Council</p>
<p>The owner should be required to submit documentation proving that the appropriate credit was applied to occupants’ accounts as a condition of eligibility, and not merely at the request of DC Water</p>	<p>DC Water has an owner requirement that specifies that the records could be audited. DC Water intends on requesting documents when tenant concerns are raised. In addition, we could randomly request documents from owners as a part of the audit requirement.</p>

Office of the Tenant Advocate Written Comments (continued)

Summary of Comment	DC Water Response
<p>DC Water should directly provide the following notices:</p> <ul style="list-style-type: none"> a. Notice to all tenants in owner approved building upon the owner’s approval for MAP, irrespective of being considered for a credit b. Once an approval decision is made a notice should be sent indicating the decision including the rationale if the decision is a denial, as well as the grievance process 	<ul style="list-style-type: none"> a) DC Water revised the rulemaking to clarify the requirement that approved Multi-Family Customer post the MAP flier in a conspicuous location in the building or include it in a notice or invoice to the Occupants. DC Water does not maintain multi-family tenant contact information and has an owner requirement to provide MAP program information to Occupants. b) DC Water notifies the Occupant that they are approved and the amount of the MAP assistance. The rulemaking was updated to reflect the notification and grievance process, including denial information.
<p>Define the grievance process for tenants to dispute landlords who don’t participate</p>	<p>Participation by the owner is not mandated, but voluntary. However, the program is designed to provide financial assistance to incentivize participation. DC Water does not have statutory authority under its establishment statute to govern landlord-tenant disputes.</p>
<p>Do not require landlords to enter into a payment plan in order to participate</p>	<p>DC Water appreciates this comment. However, it is in the best interest of the tenants to ensure that the owner has resolved their past due DC Water bill.</p>

Office of the Tenant Advocate Written Comments (continued)

Summary of Comment	DC Water Response
<p>Instead of revoking the MAP Credits in the event that the landlord fails to comply with the terms outlined in § 4102.10(g)(2), DC Water should fine the landlord</p>	<p>DC Water will work with the Multi-Family customer to make sure they understand the MAP Terms and Conditions. DC Water does not have the statutory authority under its the establishment statute to fine the Multi-Family Customer.</p>
<p>DC Water should clarify whether the \$2,000 cap is per “eligible occupant” or per “eligible occupant unit” and restructure the rulemaking so that there is a consistent use and definition for these phrases</p>	<p>DC Water rulemaking has been revised to clarify the MAP Credits are provided per “eligible unit”.</p>

Next Steps- Regulatory

- 1/26/21 – Presentation to RRC on proposal to amend Customer Assistance Program (CAP) Regulations for Multi-family Emergency Relief Programs
- 1/26/21 – RRC recommend approval of proposal to Board to amend the CAP regulations for multi-Family emergency relief program
- 2/04/21 – Board approval to publish Notice of Emergency and Proposed Rulemaking (NOEPR) to amend the CAP regulations for multi-family emergency relief program
Implement Emergency Relief Program Go-Live
- 2/19/21 – Publish NOEPR in D.C. Register
- 2/19/21 – Public Comment Period Begins
- 4/7/21 – Public Hearing
- 4/12/21 – Public Comment Period Closes
- 4/27/21 – RRC approves final proposal to amend CAP regulations for multi-family emergency relief program**
- 5/06/21 – Board approval to publish Notice of Final Rulemaking to Approval of Notice of Final Rulemaking to Approval of Notice of Final Rulemaking (NOFR)
- 5/21/21 – Publish NOFR in D.C. Register
- 5/21/21 – Implement Emergency Relief Program Go-Live

Recommendation

- Recommendation to the Board to adopt and approve the publication of the Notice of Final Rulemaking, Section 4102, Customer Assistance Programs, to enact emergency regulations for the “DC Water Cares Program” the multi-family emergency assistance approved in DC Water Board Resolution 20-65 on November 5, 2020

Attachment C

DC Retail Water and Sewer Rates Committee

Action Item

1. Approve Notice of Final Rulemaking to Amend Customer Assistance Program Regulations to Establish “DC Water Cares”: Multi-family Assistance Program for Low-Income Multi-family Tenants (Action Item 1)

Action Item 1

Approve Notice of Final Rulemaking to Amend Customer Assistance Program Regulations to Establish “DC Water Cares”: Multifamily Assistance Program for Low-Income Multifamily Tenants

Chapter 41, RETAIL WATER AND SEWER RATES AND CHARGES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

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 the Federal Government; or
 - (b) Not currently receiving federal assistance to pay for water and sewer services, including, but not limited to District or federally funded COVID-19 rental assistance.
 - (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 60 (sixty) 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 is eligible to receive Low-Income Energy Assistance Program (LIHEAP) or Utility Discount Program (UDP) assistance during Fiscal Year 2021 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 2021, 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, 2021.
- (3) Occupant is not eligible to receive MAP assistance if they:
- i. Reside in a dwelling unit that is 100% subsidized; or
 - ii. Received emergency assistance for water and sewer charges for the period of April 1, 2020 through September 20, 2021.
- (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 2021 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 April 1, 2020 to December 31, 2020 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 December 31, 2020 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 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;
 - (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 continue in Fiscal Year 2022 if authorized by the DC Water Board of Directors.
- (k) To continue receiving MAP Credits in Fiscal Year 2022 without interruptions, the Multi-Family Customer must submit a renewal DC Water Cares: Multifamily Assistance Program Terms and Conditions Application to DC Water within the renewal deadline. A Multi-Family Customer that submits their renewal DC Water Cares: Multifamily Assistance Program Terms and Condition Application after this period, and is subsequently approved by DC Water, will receive benefits as of the date of receipt of the Application.
- (l) To continue receiving MAP Credits in Fiscal Year 2022 without interruptions, an Occupant residing in multifamily properties must submit a renewal Resident Application for DC Water Cares: Multifamily Assistance Program to DOEE in accordance within the renewal deadline. An Occupant that submits their renewal Application after this period, and is subsequently approved by DC Water, will receive benefits as of the date of receipt of the Application.

- (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:
 - (i) Submitting a written Request for Reconsideration within fifteen (15) days of the date of the Notice of Denial; and
 - (ii) 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.

Attachment D

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 NOERP and Notice of Public Hearing in D.C. Register	November 20, 2020	√	DGLA
e. Public Comment Period	November 20, 2020 -	√	Marketing & Comm.
f. Public Hearing*	January 5, 2021	√	
g. Public Comment Closes	January 13, 2021*	√	RRC
h. RRC approves final proposal to amend CAP regulations for residential emergency relief program	January 18, 2021	√	Board Secretary
i. Board approval to publish Notice of Final Rulemaking (NOFR)	January 26, 2021	√	Customer Service
j. Board approval to publish Notice of Final Rulemaking (NOFR)	February 4, 2021	√	Board of Directors
k. Publish NOFR in D.C. Register	February 19, 2021	√	
k. Continue implementation under Final Emergency Relief Program Rules	February 19, 2021	√	DGLA Customer Service

* Date subject to change

Attachment D

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>			
<p>a. Presentation to RRC on update to amend Customer Assistance Program (CAP) regulations for Multi-Family Emergency Relief Program</p>	November 17, 2020	√	Customer Service
<p>b. RRC recommend approval of proposal to amend the CAP regulations for multi-family emergency relief program</p>	January 26, 2021	√	Customer Service
<p>c. Board approval to publish Notice of Emergency and Proposed Rulemaking (NOERP) to amend the CAP regulations for Multi-Family Emergency Relief Program</p>	February 4, 2021	√	Board of Director
<p>d. Publish NOERP and Notice of Public Hearing in D.C. Register</p>	February 19, 2021	√	DGLA
<p>e. Public Comment Period</p>	February 19 – April 12, 2021	√	Marketing & Comm.
<p>f. Public Hearing*</p>	April 7, 2021	√	RRC
<p>g. Public Comment Period Closes</p>	April 12, 2021	√	Board Secretary
<p>h. Post on DC Water website Report of Response to Comments received during public comment period</p>	April 27, 2021		OMAC
<p>i. RRC approves final proposal to amend CAP regulations for Multi-Family Emergency Relief Program</p>	April 27, 2021		Customer Service
<p>j. Board approval to publish Notice of Final Rulemaking (NOFR)</p>	May 6, 2021		Board of Directors
<p>k. Publish NOFR in D.C. Register</p>	May 21, 2021		DGLA
<p>l. Continue Implementation under Final Multi-Family Emergency Relief Program</p>	May 21, 2021		Customer Service

* Date subject to change

Attachment D

FY 2021 Proposed RRC Committee Workplan			
Objective/Activities/Task	Date of Activity	Completed	Responsible Department
4. 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 Director
5. 2022 Cost of Service Study (COS) for Water, Sewer and CRIAC			
<i>a. Present COS to RRC</i>	January 25, 2022		Rates & Revenue
<i>b. Post Final COS on DC Water's website</i>	January 31, 2022		
6. Delinquent Accounts			
<i>a. Soldiers Home Negotiations</i>	Monthly, as needed		DGLA
7. Rate Stabilization Fund			
<i>a. Rate Stabilization Fund</i>	Monthly, as needed		Rates & Revenue

* Date subject to change



Attachment E

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

Tuesday, June 22, 2021; 9:30 a.m.

AGENDA

Call to Order	Committee Chairman
Monthly Updates	Chief Financial Officer
Committee Workplan	Chief Financial Officer
Agenda for July 27, 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