

HOUSE BILL 1560

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By: **Delegates M. Washington, Ali, Conaway, Gibson, Glenn, Hayes, Lierman, McCray, and Mosby**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Department of Public Works – Water and Sewer Bill Dispute**
3 **Process and Report**

4 FOR the purpose of establishing a certain Dispute Resolving Board in the Baltimore City
5 Department of Public Works; providing for the appointment, terms, and duties of
6 members of the Board; requiring the Board to review and make determinations on
7 certain disputed unpaid bill claims; providing for the process of filing a certain claim;
8 providing that certain persons are not eligible to file a certain claim under certain
9 circumstances; requiring the Customer Support and Services Division of the
10 Department to prepare a certain response, forward a certain claim to the Board, and
11 suspend collection efforts on certain disputed bills under certain circumstances;
12 requiring the Board to meet at certain times, requiring the Board to follow certain
13 policies and procedures when making a certain decision or bill adjustments;
14 providing that the decision of the Board is the final Department decision on unpaid
15 bill claims; requiring that a certain bill is due for payment within a certain time
16 following the Board's decision; authorizing a person to pay a disputed bill and file a
17 claim for a refund under certain circumstances; authorizing certain persons to file a
18 certain written claim with the Department for a certain refund; requiring the
19 Department to investigate the merits of a certain claim and hold a hearing under
20 certain circumstances; requiring a claim to be disallowed unless it is filed within a
21 certain time period; requiring the Department to pay interest on a certain amount
22 refunded under certain circumstances; providing that the failure of the Department
23 to reach a final decision on a certain claim within a certain time is deemed a rejection
24 of the claim; authorizing the filing of a petition for judicial review under certain
25 circumstances; authorizing the Department to refund a certain amount after a
26 certain determination; requiring the Department to conduct a certain study; setting
27 forth the purpose and required contents of a certain study; requiring the Department
28 to report its interim findings to the General Assembly and the members of the
29 Baltimore City delegation to the General Assembly on or before a certain date;
30 requiring the Department to submit its final report to the General Assembly and the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 members of the Baltimore City delegation to the General Assembly on or before a
2 certain date; defining certain terms; providing for the termination of certain
3 provisions of this Act; and generally relating to the water and sewer service and
4 billing of the Baltimore City Department of Public Works.

5 BY adding to

6 The Charter of Baltimore City
7 Article II – General Powers
8 Section (70) and (71)
9 Annotated Code of Maryland
10 (2007 Replacement Volume, as amended)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **The Charter of Baltimore City**

14 Article II – General Powers

15 The Mayor and City Council of Baltimore shall have full power and authority to
16 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
17 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
18 particular, without limitation upon the foregoing, shall have power by ordinance, or such
19 other method as may be provided for in its Charter, subject to the provisions of said
20 Constitution and Public General Laws:

21 **(70)**

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 **(2) “BOARD” MEANS THE DISPUTE RESOLVING BOARD IN THE**
25 **DEPARTMENT.**

26 **(3) “DEPARTMENT” MEANS THE DEPARTMENT OF PUBLIC WORKS.**

27 **(B) (1) THERE IS A DISPUTE RESOLVING BOARD IN THE DEPARTMENT.**

28 **(2) (I) THE BOARD CONSISTS OF TWO PANELS TO REVIEW AND**
29 **MAKE A DETERMINATION ON CLAIMS REGARDING DISPUTED WATER AND SEWER**
30 **BILLS.**

31 **(II) EACH PANEL CONSISTS OF THE FOLLOWING MEMBERS**
32 **APPOINTED BY THE DIRECTOR OF THE DEPARTMENT:**

- 1 1. TWO CUSTOMER MEMBERS; AND
- 2 2. ONE EMPLOYEE MEMBER.

3 (III) EACH EMPLOYEE MEMBER OF THE BOARD:

- 4 1. SHALL HOLD A MANAGERIAL POSITION WITHIN THE
5 DEPARTMENT; AND
- 6 2. MAY NOT WORK IN THE CUSTOMER SUPPORT AND
7 SERVICE DIVISION OF THE DEPARTMENT.

8 (IV) THE TERM OF A MEMBER IS 2 YEARS.

9 (V) EACH MEMBER OF THE BOARD SHALL COMPLETE A
10 TRAINING PROGRAM REGARDING THE DEPARTMENT'S BILLING AND ADJUSTMENT
11 PROCEDURES BEFORE RULING ON ANY CLAIM.

12 (3) (I) A PERSON MAY FILE A CLAIM FOR REVIEW BY THE BOARD
13 WITH THE CUSTOMER SUPPORT AND SERVICE DIVISION OF THE DEPARTMENT ON
14 A FORM APPROVED BY THE DEPARTMENT:

- 15 1. ONLY AFTER ATTEMPTING TO RESOLVE THE MATTER
16 WITH THE CUSTOMER SUPPORT AND SERVICE DIVISION; AND
- 17 2. WITHIN 60 DAYS AFTER THE METER READING DATE
18 ON WHICH THE BILL IS BASED.

19 (II) A PERSON IS NOT ELIGIBLE TO FILE A CLAIM FOR REVIEW
20 BY THE BOARD IF, WITHIN THE PRECEDING 2 YEARS:

- 21 1. THE PERSON HAS FILED TWO CLAIMS FOR REVIEW BY
22 THE BOARD REGARDING THE SAME ACCOUNT; AND
- 23 2. THE BOARD DENIED BOTH CLAIMS.

24 (III) ON RECEIPT OF A CLAIM, THE CUSTOMER SUPPORT AND
25 SERVICES DIVISION SHALL:

- 26 1. PREPARE A RESPONSE;
- 27 2. FORWARD THE CLAIM AND RESPONSE TO THE BOARD
28 FOR REVIEW AND A DECISION; AND

1 **3. SUSPEND COLLECTION EFFORTS ON THE DISPUTED**
2 **BILL UNTIL THE BOARD ISSUES ITS DECISION.**

3 **(IV) 1. THE BOARD SHALL MEET AT LEAST ONCE A MONTH AT**
4 **A REGULARLY SCHEDULED TIME AND PLACE, AS DETERMINED BY THE BOARD.**

5 **2. THE BOARD SHALL REVIEW THE DISPUTED CLAIMS**
6 **AND ISSUE A DECISION ON EACH CLAIM.**

7 **3. IN REACHING A DECISION, THE BOARD:**

8 **A. SHALL FOLLOW APPLICABLE**
9 **DEPARTMENT-APPROVED POLICIES AND PROCEDURES; AND**

10 **B. MAY ONLY GRANT ADJUSTMENTS THAT ARE**
11 **AUTHORIZED BY THE APPROVED POLICIES AND PROCEDURES.**

12 **(V) THE BOARD'S DECISION SHALL BE THE FINAL**
13 **DEPARTMENT DECISION ON UNPAID BILL CLAIMS.**

14 **(VI) A BILL SUBJECT TO A CLAIM SHALL BE DUE FOR PAYMENT**
15 **WITHIN 10 DAYS AFTER THE BOARD ISSUES ITS DECISION.**

16 **(VII) A PERSON THAT IS NOT SATISFIED WITH THE DECISION OF**
17 **THE BOARD MAY PAY THE DISPUTED BILL AND FILE A CLAIM FOR A REFUND IN**
18 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

19 **(C) (1) (I) A PERSON MAY FILE A WRITTEN CLAIM WITH THE**
20 **DEPARTMENT, IN A FORM AND CONTAINING THE INFORMATION AND SUPPORTING**
21 **DOCUMENTS REQUIRED BY THE DEPARTMENT, FOR A REFUND OF THE AMOUNT OF**
22 **A FEE OR CHARGE THE PERSON PAID TO THE DEPARTMENT THAT EXCEEDS THE**
23 **AMOUNT THAT IS PROPERLY AND LEGALLY PAYABLE.**

24 **(II) IF THE PROPERTY FOR WHICH THE FEE OR CHARGE WAS**
25 **PAID HAS BEEN TRANSFERRED TO A NEW OWNER AFTER THE PAYMENT, THE NEW**
26 **OWNER MAY FILE THE CLAIM FOR THE REFUND.**

27 **(2) (I) ON RECEIPT OF A CLAIM FOR A REFUND UNDER**
28 **PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL INVESTIGATE THE**
29 **MERITS OF THE CLAIM.**

30 **(II) ON THE REQUEST OF THE CLAIMANT, THE DEPARTMENT**

1 SHALL HOLD A HEARING ON THE CLAIM.

2 (III) A CLAIM SHALL BE DISALLOWED UNLESS IT IS FILED WITHIN
3 3 YEARS AFTER THE DATE OF THE PAYMENT FOR WHICH THE REFUND IS
4 REQUESTED.

5 (IV) THE DEPARTMENT SHALL PAY INTEREST ON ANY AMOUNT
6 REFUNDED UNDER THIS SECTION, CALCULATED AT THE RATE OF 6% PER YEAR,
7 STARTING 180 DAYS FROM THE DATE THE CLAIM WAS MADE.

8 (3) IF THE DEPARTMENT FAILS TO REACH A FINAL DECISION ON A
9 CLAIM WITHIN 180 DAYS AFTER THE DATE THE CLAIM IS FILED, THE FAILURE SHALL
10 BE DEEMED A FINAL REJECTION OF THE CLAIM.

11 (4) WITHIN 30 DAYS AFTER THE DATE OF FINAL ACTION BY THE
12 DEPARTMENT ON A CLAIM FOR A REFUND FILED UNDER PARAGRAPH (1) OF THIS
13 SUBSECTION, A PETITION FOR JUDICIAL REVIEW MAY BE FILED WITH THE CIRCUIT
14 COURT AS PROVIDED IN TITLE 7, CHAPTER 200 OF THE MARYLAND RULES.

15 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
16 SUBSECTION, THE DEPARTMENT MAY REFUND A PAYMENT THAT THE DEPARTMENT
17 DETERMINES WAS PAID IN EXCESS OF THE AMOUNT THAT WAS PROPERLY AND
18 LEGALLY PAYABLE, WHETHER OR NOT THE PERSON WHO MADE THE PAYMENT FILES
19 A CLAIM FOR A REFUND.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
21 as follows:

22 The Charter of Baltimore City

23 Article II – General Powers

24 The Mayor and City Council of Baltimore shall have full power and authority to
25 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
26 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
27 particular, without limitation upon the foregoing, shall have power by ordinance, or such
28 other method as may be provided for in its Charter, subject to the provisions of said
29 Constitution and Public General Laws:

30 (71)

31 (A) THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS SHALL STUDY
32 AND REPORT ON THE ACCESSIBILITY AND AFFORDABILITY OF PUBLICALLY
33 PROVIDED WATER AND SEWER SERVICES FOR VULNERABLE RESIDENTS OF THE

1 CITY.

2 (B) THE STUDY SHALL IDENTIFY AND REVIEW:

3 (1) THE DEMOGRAPHICS OF THE CUSTOMERS OF THE DEPARTMENT
4 OF PUBLIC WORKS, INCLUDING SINGLE-FAMILY AND MULTIFAMILY RESIDENTIAL
5 CUSTOMERS AND COMMERCIAL CUSTOMERS;

6 (2) THE SCALE AND EXTENT OF DELINQUENT WATER AND SEWER
7 ACCOUNTS AND SERVICE DISCONNECTIONS FOR NONPAYMENT, INCLUDING THE
8 NUMBER OF DISCONNECTIONS EXPERIENCED BY HOUSEHOLDS CONTAINING
9 CHILDREN, ELDERLY INDIVIDUALS, DISABLED INDIVIDUALS, CHRONICALLY ILL
10 INDIVIDUALS, AND OTHER VULNERABLE POPULATIONS;

11 (3) THE POLICIES AND PROCEDURES THAT RELATE TO DELINQUENT
12 ACCOUNTS AND SERVICE DISCONNECTION;

13 (4) CUSTOMER SERVICE POLICIES AND PROCEDURES FOR
14 ADDRESSING:

15 (I) CUSTOMER COMPLAINTS AND RESOLVING DISPUTES
16 RELATING TO BILLING AND SERVICE DISCONNECTIONS; AND

17 (II) WATER LEAKS, INCLUDING LEAKS THAT RESULT IN BILLS
18 THAT REFLECT WATER CONSUMPTION THAT IS OUT OF PROPORTION WITH A
19 CUSTOMER'S WATER CONSUMPTION HISTORY;

20 (5) PAYMENT ASSISTANCE PROGRAMS AND ASSOCIATED DETAILED
21 ELIGIBILITY QUALIFICATIONS, INCLUDING PROGRAMS THAT OFFER:

22 (I) BILL DISCOUNTS OR CREDITS;

23 (II) FLEXIBLE TERMS;

24 (III) RATE STRUCTURING;

25 (IV) TEMPORARY AND CRISIS ASSISTANCE;

26 (V) WATER EFFICIENCY MEASURES AND LEAK REPAIRS;

27 (VI) ASSISTANCE FOR SENIOR CITIZENS; AND

28 (VII) HARDSHIP OR MEDICAL EXEMPTIONS;

1 **(6) TO THE EXTENT POSSIBLE, THE NUMBER OF INDIVIDUALS OR**
2 **HOUSEHOLDS THAT DO NOT RECEIVE WATER OR SEWER SERVICES; AND**

3 **(7) THE AFFORDABILITY POLICIES AND PROGRAMS OFFERED BY**
4 **OTHER UTILITIES, INCLUDING ELECTRIC AND GAS COMPANIES AND THE POTENTIAL**
5 **USE OF POLICIES AND PROGRAMS USED BY OTHER WATER COMPANIES.**

6 **(C) ON OR BEFORE DECEMBER 1, 2018, THE DEPARTMENT OF PUBLIC**
7 **WORKS SHALL REPORT ITS INTERIM FINDINGS TO THE GENERAL ASSEMBLY AND**
8 **THE MEMBERS OF THE BALTIMORE CITY DELEGATION TO THE GENERAL**
9 **ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.**

10 **(D) ON OR BEFORE JULY 1, 2019, THE DEPARTMENT OF PUBLIC WORKS**
11 **SHALL SUBMIT ITS FINAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
12 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AND THE**
13 **MEMBERS OF THE BALTIMORE CITY DELEGATION TO THE GENERAL ASSEMBLY.**

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018. Section 2 of this Act shall remain effective for a period of 1 year and, at
16 the end of September 30, 2019, Section 2 of this Act, with no further action required by the
17 General Assembly, shall be abrogated and of no further force and effect.