



Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the District of Columbia Public Works Act of 1954 to clarify that an owner or occupant of property in the District shall pay an impervious area charge that the District of Columbia Water and Sewer Authority d/b/a DC Water (“DC Water”) assesses; and to amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to clarify that DC Water may assess an impervious area charge on any property in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “CRIAC Clarification Congressional Review Emergency Amendment Act of 2024”.

Sec. 2. The District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 104; D.C. Official Code § 34-2101 et seq.), is amended as follows:

(a) Section 207 (D.C. Official Code § 34-2107) is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

“(1) A billing methodology that takes into account both the water consumption of, and water service to, a property where water is supplied from the District water supply system.”.

(2) Subsection (c) is repealed.

(b) Section 208 (D.C. Official Code § 34-2108) is amended by adding a new subsection (d) to read as follows:

34 “(d) The owner or occupant of each property in the District shall pay any impervious area
35 charge that the District of Columbia Water and Sewer Authority establishes pursuant to section
36 216(c-1) of the Water and Sewer Authority Establishment and Department of Public Works
37 Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-
38 2202.16(c-1)).”.

39 Sec. 3. Section 216 of the Water and Sewer Authority Establishment and Department of
40 Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C.
41 Official Code § 34-2202.16), is amended as follows:

42 (a) A new subsection (c-1) is added to read as follows:

43 “(c-1)(1)(A) The Authority shall assess an impervious area charge on any property in the
44 District based on a billing methodology that takes into account the amount of impervious surface
45 on a property that either prevents or retards the entry of water into the ground as occurring under
46 natural conditions, or that causes water to run off the surface in greater quantities or at an increased
47 rate of flow, relative to the flow present under natural conditions.

48 “(B) For the purposes of this paragraph, the term “surface” includes
49 rooftops, footprints of patios, driveways, private streets, other paved areas, athletic courts and
50 swimming pools, and any path or walkway that is covered by impervious material.

51 “(2) The impervious area charge shall be the obligation of the property owner.
52 Failure to pay the impervious area charge shall result in a lien being placed upon the property
53 without further notice to the owner. The Mayor may enforce the lien in the same manner as in
54 section 104 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68
55 Stat. 102; D.C. Official Code § 34-2407.02).

56 “(3) Any owner or occupant of a property that is assessed an impervious area charge
57 may contest an impervious area charge bill according to the same procedures provided to owners
58 or occupants of properties that receive water and sewer service under section 1805 of the District
59 of Columbia Public Works Act of 1954, approved June 13, 1990 (D.C. Law 8-136; D.C. Official
60 Code § 34-2305).”.

61 (b) Subsection (e) is amended by striking the phrase “including the” and inserting the
62 phrase “including the impervious area charge and the” in its place.

63 Sec. 4. Applicability.

64 This act shall apply as of March 25, 2009.

65 Sec. 5. Fiscal impact statement.

66 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
67 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
68 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

69 Sec. 6. Effective date.

70 This act shall take effect following approval by the Mayor (or in the event of veto by the
71 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
72 90 days, as provided for emergency acts of the Council of the District of Columbia in section
73 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
74 D.C. Official Code § 1-204.12(a)).