



Councilmember Charles Allen

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, due to congressional review, with respect to the need to amend 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “CRIAC Clarification Congressional Review Emergency Declaration Resolution of 2024”.

Sec. 2. (a) In 2009, the Council passed the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-30; 56 DCR 1350), which authorized the District of Columbia Water and Sewer Authority (“DC Water”) to use a billing methodology that takes into account the amount of impervious surface on a property. Since then, DC Water has been assessing the Clean Rivers impervious area charge (“CRIAC”) against property owners in the District.

(b) The CRIAC funds upgrade the District’s combined sewer system, as mandated by a consent order between the District and the federal government, to prevent overflows during heavy rains that impair the region’s water quality and health. This federally mandated project is known as the Clean Rivers Project.

35 (c) Two lawsuits before the D.C. Court of Appeals challenge DC Water’s authority to levy
36 the CRIAC against property owners who are not connected to the District’s sewer system.
37 However, the Council did not intend to exempt property owners not connected to the sewer system
38 from the CRIAC. Such property owners – like parking lot owners – still contribute substantially
39 to stormwater runoff and the overflow of the District’s combined sewer system. Charging such
40 property owners the CRIAC for their contribution to stormwater runoff equitably spreads the
41 burden of upgrading and maintaining the District’s sewer systems. Briefing in one of these appeals
42 is scheduled to close in early November.

43 (d) To clarify the Council’s original intent, the Council passed the CRIAC Clarification
44 Emergency Amendment Act of 2024, effective October 25, 2025 (D.C. Act 25-0602; 71 DCR
45 13489) (“emergency act”). The emergency legislation expires on January 23, 2025. The Council
46 also passed the CRIAC Clarification Temporary Amendment Act of 2024, enacted on November
47 13, 2024 (D.C. Act 25-0624; 71 DCR 14108) (“temporary act”). The temporary act is now pending
48 congressional transmittal.

49 (e) This congressional review emergency legislation is therefore necessary to prevent a gap
50 in the law between the expiration of the emergency act and the effective date of the temporary act.

51 Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute
52 emergency circumstances making it necessary that the CRIAC Clarification Congressional Review
53 Emergency Amendment Act of 2024 be adopted after a single reading.

54 Sec. 4. This resolution shall take effect immediately.