

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MEMORANDUM**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Charles Allen *CA*
RE: Request to Place Measures on the April 21, 2026 Additional Meeting Agenda
DATE: April 15, 2026

I request that the following measures be placed on the agenda for the April 21, 2026 Additional Meeting (should one be convened), or the May 5, 2026 Legislative Meeting:

Emergency Measures

- **DC Water and Sewer Authority Billing and Disconnection Clarification Emergency Declaration Resolution of 2026**
- **DC Water and Sewer Authority Billing and Disconnection Clarification Emergency Amendment Act of 2026**
- **DC Water and Sewer Authority Billing and Disconnection Clarification Temporary Amendment Act of 2026**

In 1954, Congress enacted the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; D.C. Official Code passim) (“PWA”). Sections 102 (D.C. Official Code § 34-2413.10, repealed) and 210 (D.C. Official Code § 34-2110) of the PWA authorized charging 10% for late payment of water and sewer charges, respectively, remaining unpaid after 30 days.

In 1990, the Council enacted the District of Columbia Water and Sewer Operations Amendment Act of 1990, effective April 17, 1990 (D.C. Law 8-136; 37 DCR 2620), which, among other things, amended those sections of the PWA to add a late penalty of 1% per month compounded monthly for any water and sewer charges remaining unpaid after 60 days.

In 1996, the Council passed the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 et seq.), which repealed the statutory provision for late payment of water charges in section 102 of the PWA, but did not repeal the statutory provision for late payment of sewer charges in section 210 of the PWA.

Still, section 216(d) of the PWA (D.C. Official Code § 34-2202.16(d)) granted the District of Columbia Water and Sewer Authority (“DC Water”) broad authority to “impose additional charges and penalties for late payment of bills.” Relying on that legal authority, on August 4, 2003, DC Water approved amendments to 21 DCMR § 112 that established a late penalty fee of 10% for charges remaining unpaid after 30 days and a late fee of 1% compounded monthly for charges

remaining unpaid after 60 days. There is now a legal dispute as to whether the D.C. Official Code conferred DC Water with the requisite legal authority to initiate this change to the DCMR.

If the authority delegated to DC Water under section 216(d) is interpreted as not conferring DC Water with the requisite legal authority, DC Water would only be authorized to issue late fees and penalties in connection with sewer service arrearages. This effectively prohibits DC Water from charging any late fees that encourage the timely payment of water charges and other related services such as payment-in-lieu of taxes and right-of-way fees. Additionally, while section 210 sets a limit on the late fees that can be imposed for unpaid sanitary sewer service charges, section 216(d) includes no such limit on the imposition of late fees related to unpaid water service charges.

Separately, in March 2025, DC Water launched a more robust campaign to collect outstanding balances from ratepayers, issuing its first of many notices of disconnection to housing providers of multifamily apartment buildings. The notices advised tenants residing at the properties that the water service would be terminated unless housing providers addressed their outstanding water bills. DC Water ended Fiscal Year 2025 with \$33.3 million in unpaid water bills.

As of May 21, 2025, a total of 331 properties had received a notice of potential water service disconnection: 327 small multi-unit buildings (ranging from 4 to 6 units on average) and 4 larger apartment buildings. Of those 331 properties, 42 had their water service disconnected, and as of May 30, 2025, 24 remained disconnected. Since June 1, 2025, an additional 29 properties have been identified for disconnection.

DC Water's campaign to collect outstanding debts revealed significant challenges associated with water shutoffs at multifamily residential buildings. First, in some of these cases, tenants have been paying their rent consistently and did not know that their building was in arrears until they saw a notice of disconnection or experienced a disconnection. In a sense, these tenants are also being punished for their building owner or manager's failure to pay the water bill. Additionally, because DC Water is rarely in contact with individual tenants, it may not know if a unit for which they are threatening disconnection is the home of a senior, child, or a person with a disability—populations that are especially vulnerable during water service shutoffs. And without more information about individual occupants in these buildings, it has been difficult for District agencies (e.g., the Office of the Tenant Advocate) or legal aid providers to contact families who have experienced or are facing a disconnection to provide them with assistance or guidance.

Requiring that DC Water provide monthly updates to the Council, the Office of the Attorney General ("OAG"), and the Office of the Tenant Advocate ("OTA") regarding its disconnection activities will better enable OAG and OTA to assist residents experiencing disconnection and will allow the Council to make more informed decisions regarding potential changes to the disconnection process.

In response to these issues, on June 14, 2025, the Council passed the DC Water and Sewer Authority Billing and Disconnection Clarification Emergency Amendment Act of 2025, effective August 1, 2025 (D.C. Act 26-127; 72 DCR 8607) ("emergency legislation"). The emergency legislation clarified the Council's intent that DC Water has had the authority to assess late payment fees on water service arrearages since April 18, 1996, and that those fees are subject to the same

limitations as fees for sewer service arrearages. The emergency legislation also required that DC Water submit monthly reports to the Council, OAG, and OTA regarding its disconnection activities. The Council also passed the DC Water and Sewer Authority Billing and Disconnection Clarification Temporary Amendment Act of 2025, effective October 1, 2025 (D.C. Law 26-50) (“temporary legislation”), which was identical to the emergency legislation

The emergency legislation expired on October 30, 2025. The temporary legislation is set to expire on May 14, 2026. A new round of emergency and temporary legislation is therefore necessary to maintain these provisions until they have been incorporated into a permanent measure.

The committee reports for each measure are attached. Please contact Kevin Whitfield, Committee Director, at kwhitfield@dccouncil.gov with any questions.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel