

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Charles Allen *CA*  
**RE:** Request to Place Measures on the May 5, 2026 Legislative Meeting Agenda  
**DATE:** April 30, 2026

I request that the following measures be placed on the agenda for 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 Sections 102 (D.C. Official Code § 34-2413.10, repealed) and 210 (D.C. Official Code § 34-2110) of the PWA authorized charging 10% for late payment of water and sewer charges, respectively, remaining unpaid after 30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Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 et seq.), which repealed the statutory provision for late payment of water charges in section 102 of the PWA, but did not repeal the statutory provision for late payment of sewer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.

- **Personal Delivery Device Weight Limit Emergency Declaration Resolution of 2026**
- **Personal Delivery Device Weight Limit Emergency Amendment Act of 2026**
- **Personal Delivery Device Weight Limit Temporary Amendment Act of 2026**

The Personal Delivery Act of 2018, effective July 17, 2018 (D.C. Law 22-137; D.C. Code § 50-1101 et seq.) created a permitting process for eligible entities to operate personal delivery devices (“PDDs”) that did not exceed 90 pounds in weight. Since the adoption of the Personal Delivery Act of 2018, several companies have developed new PDD models that exceed the existing weight limit. The weight limit originally adopted seven years ago now presents a barrier to the introduction and use of newer PPD models, some of which with enhanced hardware features. Many states already allow for the operating of PDDs exceeding 90 pounds in weight. At least 12 states allow PDDs to exceed 500 pounds in weight, and another seven states that have approved PDDs have not established a weight limit in statute.

On May 6, 2025, Councilmembers Charles Allen, Zachary Parker, and Christina Henderson introduced Bill 26-0245, the “Personal Delivery Device Weight Limit Amendment Act of 2025 (“permanent bill”). The permanent bill would allow the operation of PDDs weighing up to 275 pounds. The Committee held a hearing on the bill on October 16, 2025. To allow for the deployment of PDDs that exceed the current weight limit, the Council passed the Personal Delivery Device Weight Limit Emergency Amendment Act of 2025, effective August 12, 2025 (D.C. Act 26-125; 72 DCR 8603) (“emergency act”). The Council also passed the Personal Delivery Device Weight Limit Temporary Amendment Act of 2025, effective October 1, 2025 (D.C. Law 26-48; \_\_\_ DCR \_\_\_) (“temporary law”).

The emergency act expired on, and the temporary law is set to expire on May 14, 2025. This new round of emergency and temporary legislation is needed to prevent a gap in the law between the expiration of the temporary law and the passage of a permanent bill.

Drafts of each measure are attached. Please contact Kevin Whitfield, Committee Director, at [kwhitfield@dccouncil.gov](mailto:kwhitfield@dccouncil.gov) with any questions.

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