

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 47 of the District of Columbia Code to require the payment of water and sewer bills as a condition to receiving a master business license or other license or permit; to amend the District of Columbia Public Works Act of 1954 to strengthen the receivership provision when water and sewer fees are unpaid, and to otherwise create penalties for the nonpayment of service fees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Water and Sewer Authority Collection Enhancement Amendment Act of 2000".

Sec. 2. Title 47 of the District of Columbia Code is amended as follows:

(a) Section 47-2851.11(a)(2) is amended to read as follows:

"(2) The person or business is delinquent in taxes, periodic report fees, or penalties owing to the District, is delinquent in service fees owed to the Water and Sewer Authority, or is not validly registered in accordance with District law. The Office of Tax and Revenue and the Water and Sewer Authority shall cooperate with the business license center to determine if taxes, fees, penalties or service fees are owing."

(b) Section 47-2861 is amended as follows:

(1) Paragraph (1) is amended by striking the period and inserting the phrase "or the District of Columbia Water and Sewer Authority." in its place.

(2) A new paragraph "(5)" is added to read as follows:

"(5) "District of Columbia Water and Sewer Authority service fees" or "service fees" means all fees or charges, including penalty and interest, billed by the District of Columbia Water and Sewer Authority."

(c) Section 47-2862 (a) is amended as follows:

(1) Paragraph (3) is amended by striking the word "or".

(2) Paragraph (4) is amended by striking the phrase "due taxes." at the end and inserting the phrase "due taxes; or", in its place.

(3) A new paragraph "(5)" is added to read as follows:

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"(5) Past due District of Columbia Water and Sewer Authority service fees."

Sec. 3. The District of Columbia Public Works Act of 1954 is amended as follows:

(a) Section 1803(a) is amended by striking the phrase "Department of Public Works ("Department") and inserting the phrase "the District of Columbia Water and Sewer Authority ("Authority")" in its place.

(b) Section 1804 is amended as follows:

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

"(a)(1) Except as otherwise provided in this subsection, upon nonpayment of a delinquent account by the owner, agent, lessor, or manager of a rental property that is billed directly by the Authority for water and sewer services, the Authority or a tenant who resides in the affected rental property may petition the court for the appointment of a receiver for the rental payments in the same manner as for appointment of a receiver pursuant to section 4 of the Prohibition of Electric and Gas Utility Service Terminations to Master-Metered Apartment Buildings Act of 1980.

"(2) The receiver may take any action deemed necessary or appropriate to collect all rental payments from the tenants of the rental property and shall establish an escrow account with these funds. The receiver shall pay the Authority from the escrow account for services provided on or after the date of the receiver's appointment. If the owner, agent, lessor, or manager also is indebted to an electric or gas company for utility services, the receiver may order that rents collected be equitably apportioned between the Authority and the electric or gas company. In addition, the receiver may use the rental payments collected to reduce delinquent water and sewer charges owed to the Authority. Upon court order, the receiver shall become trustee of any escrow accounts or other funds established by the tenants or otherwise into which rents or payments for use and occupancy have been made.

"(3) The owner, agent, lessor or manager shall be liable for reasonable fees and costs determined by the court to be due the receiver, which may be recovered from the rent payments under control of the receiver, provided that no fees or costs shall be turned over until payment of current District of Columbia Water and Sewer Authority service fees have been made.

"(4) The receiver may make reasonable payments to the Authority to reduce delinquent water and sewer charges until all delinquent service fees have been paid, and the receiver shall operate and maintain the structure to the best extent possible with the rents remaining after the payment. The receiver shall have the authority to recommend to the court a payment plan, which shall be binding if ordered by the court, to pay off any remaining delinquencies in service fees. Any monies remaining after the payments pursuant to this subsection shall be turned over to the owner, agent, lessor, or manager unless otherwise ordered by the court."

(2) Subsection (b) is amended to read as follows:

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"(b) Any receivership established pursuant to subsection (a) of this section shall be terminated by the court upon a finding that the arrearage which was the subject of the original petition has been satisfied or that the rental property has been sold and the new owner has made satisfactory arrangements to pay the arrearages and has assumed liability for prospective District of Columbia Water and Sewer service fees."

(3) Subsection (c) is amended by adding the phrase ", Authority," after the word "Mayor".

(4) Subsection (e) is amended to read as follows:

"(e) Any person who knowingly fails to pay water and sewer charges to the District of Columbia Water and Sewer Authority, or to make satisfactory arrangements for payment, for more than 12 months shall be guilty of a misdemeanor upon conviction. The penalty for knowingly failing to pay service fees for more than 12 months shall be a fine of not more than \$500, or imprisonment not more than 30 days, or both. The penalty for knowingly failing to pay water and sewer charges, or to make satisfactory arrangements for payment, in an amount of more than \$10,000 and for more than 2 years shall be a fine of up to 20% of the amount owed, but not less than \$5,000, or imprisonment not more than 6 months, or both."

(c) The second sentence of section 1805 is amended by adding the phrase "or the Authority" after the word "Mayor" in both places it appears.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia