



## COUNCIL OF THE DISTRICT OF COLUMBIA

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**ZACHARY PARKER**  
COUNCILMEMBER, WARD 5

**COMMITTEE MEMBER**  
Facilities and Family Services  
Health  
Hospital and Health Equity  
Housing  
Transportation and the Environment

February 1, 2024

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the Water Is Life Amendment Act of 2024. Please find enclosed a signed copy of the legislation.

D.C. Water's motto, "water is life," recognizes that fresh water is necessary for the survival of all living organisms on Earth. However, my office regularly assists District residents whose water service has been shut off due to nonpayment—even in circumstances where those very residents are either tenants who are not responsible for paying the bills or individuals who are eligible for utility assistance programs. Residential tenants are particularly vulnerable to service disconnection because in many cases, they are not the D.C. Water account holder—the property owner is. Black households are disproportionately likely to be renters, and shortcomings in our utility assistance programs fall hardest on them.

A particularly frustrating pattern my office has observed is that many low-income residents cannot reestablish service once they are disconnected because they are ineligible to enroll in utility assistance programs without first paying down their outstanding bill. Moreover, our water assistance programs—like other assistance programs—are chronically under-enrolled. As few as ten percent of eligible households participate in water assistance programs.

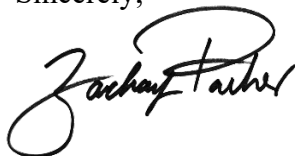
To put an end to the avoidable and inequitable infliction of human misery that water service disconnections represent, the Water Is Life Amendment Act of 2024 makes two critical changes to the provision of water service in D.C. First, the legislation ensures residential tenants can access their water bill and utility payment programs that are intended to prevent low-income residents from service interruptions. Making it easier for tenants to enroll in these programs is a win-win because D.C. Water is the ultimate recipient of any water assistance that a District resident receives.

Second, the legislation bans water service disconnections for nonpayment at *residential* properties to ensure that residents are not subjected to a humiliating, unsafe, and ultimately unnecessary penalty. The disconnection of water service is not simply a nuisance; very quickly it can compound the challenges a family is experiencing. Without water, a family cannot bathe, cook healthy meals, prepare infant formula, and so much more. Those outcomes are not theoretical—during my first year in office, my team repeatedly assisted residents who faced the prospect of navigating life with an infant or young children without water service. Water shutoffs also have the potential to exacerbate the racially and economically disparate impacts of lead poisoning as stagnant water can corrode pipe surfaces and allow lead and other metals to leach into the water. And, for water customers who are in fact eligible for utility assistance programs, disconnection becomes the insurmountable hurdle to their enrollment in those programs.

To be clear, a residential disconnection ban will not threaten the financial or operational integrity of D.C. Water. The City of Chicago instituted a similar disconnection ban in 2022, yet the financial outlook for its Water Fund has not materially changed.<sup>1</sup> D.C. Water’s fundamental guarantee of payment is its ability to impose a lien on a property associated with an account in arrears pursuant to D.C. Code § 34–2407.02. Despite claiming that this proposal might impair representations that D.C. Water makes to its bondholders, D.C. Water has thus far been unwilling to produce a copy of the representations it claims would be impaired. The bill also leaves intact D.C. Water’s ability to disconnect for nonpayment at commercial properties, which represent a significant portion of D.C. Water’s customers. The residential disconnection ban would have no practical impact on customers in multifamily buildings, where D.C. Water already has a practice—though not an enforceable policy—of maintaining water service despite nonpayment. Finally, the legislation makes explicit D.C. Water’s authority to disconnect service if it determines that service to a property is causing waste, abuse of water supply, or any danger to public health or safety.

Please contact my Deputy Chief of Staff, Conor Shaw, at [cshaw@dccouncil.gov](mailto:cshaw@dccouncil.gov) if you have any questions about this legislation.

Sincerely,



Zachary Parker  
Ward 5 Councilmember

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<sup>1</sup> See Annual Comprehensive Financial Report For the Year Ended Dec. 31, 2022, *City of Chicago Dept. of Water Management*, [https://www.chicago.gov/content/dam/city/depts/fin/supp\\_info/CAFR/2022CAFR/Water2022.pdf](https://www.chicago.gov/content/dam/city/depts/fin/supp_info/CAFR/2022CAFR/Water2022.pdf).



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Councilmember Zachary Parker

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Public Works Act of 1954 and the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to ensure authorized tenants of residential properties are able to receive utility payment assistance and to prevent water service from being disconnected from residential properties for nonpayment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Water Is Life Amendment Act of 2024”.

Sec. 2. The District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Official Code § 34–2101 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 34-2303) is amended to read as follows:

“(a) If an owner of a residential property, their agent, or a third party service is billed directly by the District of Columbia Water and Sewer Authority (“DC Water”) for water and sanitary sewer services provided to the residential property, an authorized tenant who resides at the service address may request and receive a copy of the water and sanitary sewer services if the person is an authorized tenant.

(b) Any payment made by a tenant of residential property pursuant to subsection (a) of this section shall be deemed in lieu of an equal amount of rent and shall be deducted, by the

34 landlord, from any rent due and owing or to become due and owing to the owner, agent, lessor,  
35 or manager of the residential property.

36 (c) An authorized tenant that is eligible for a payment plan or any customer assistance  
37 programs may apply for both the plan or any applicable programs and may receive assistance  
38 from the People’s Counsel.

39 (d) Nothing in this section shall prevent the Mayor from pursuing any other appropriate  
40 action or remedy at law or equity against an owner, agent, lessor, manager, or tenant of a  
41 residential property, including that DC Water shall retain the right to lien the account property in  
42 accordance with provision for DC Code §34-2407.02 *et seq.*

43 (e) DC Water shall not be responsible for the fraudulent acts or acts of omission  
44 associated with deeming a person an authorized tenant, and the DC Water shall incur no liability  
45 associated deeming the tenant an authorized tenant.

46 (f) For the purposes of this section, the term:

47 (1) “Authorized tenant” is a person who has provided acceptable evidence of  
48 occupancy in accordance with rules issued pursuant to § 34-2306.

49 (2) “Residential property” means a property that contains an ambulatory care  
50 facility, group home, sleeping unit, dwelling unit, housing unit, custodial care facility, or foster  
51 care facility as those terms are defined in Section 202 of the Building Code Supplement of 2017  
52 (12A D.C.M.R § 202 (2021)).”

53 (b) Section 103 (D.C. Official Code § 34–2407.01) is amended to read as follows:

54 “(a) The Mayor of the District of Columbia is authorized to provide for the collection of  
55 water charges, in advance or otherwise, from the owner or occupant of any building,  
56 establishment, or other place furnished water or water service by the District.

57           “(b) The Mayor is authorized to shut off the water supply to any such building,  
58 establishment, or other place upon a determination that water service is causing waste, abuse of  
59 water supply, or any danger to public health or safety. Within 180 days of enactment of the  
60 Water Is Life Amendment Act of 2024, the Mayor shall promulgate rules or regulations for  
61 making such determination.

62           “(c) The Mayor is authorized to shut off the water supply to any nonresidential building,  
63 establishment, or other place upon failure of the owner or occupant thereof to pay such water  
64 charges within 30 days from the date of rendition of the bill therefor. Such authority to shut off  
65 the water supply may be exercised by the Mayor regardless of any change in ownership or  
66 occupancy of such nonresidential building, establishment, or other place. When the water supply  
67 to any such nonresidential building, establishment, or other place has been shut off for failure to  
68 pay such water charges, the Mayor shall not again supply such nonresidential building,  
69 establishment, or other place with water until all arrears of water charges, together with penalties  
70 and the costs actually incurred in shutting off and restoring the water supply, are paid.

71           “(d) If the water supply to any property has been shut off for failure to pay District water  
72 and sanitary sewer service charges, and later restored without the express authorization of the  
73 Mayor, the Mayor shall impose a fine in an amount not less than 20% of the delinquent charges  
74 or more than \$100, whichever is greater, upon the owner or occupant of the property, unless the  
75 Mayor determines that the owner or occupant did not restore or solicit a person to restore the  
76 water.

77           “(e) For the purposes of this section, the term “nonresidential building” means a building  
78 that does not contain an ambulatory care facility, group home, sleeping unit, dwelling unit,  
79 housing unit, custodial care facility, or foster care facility as those terms are defined in Section

80 202 of the Building Code Supplement of 2017 (12A D.C.M.R § 202 (2021)).”

81           Sec. 3. The Water and Sewer Authority Establishment and Department of Public  
82 Works Reorganization Act of 1996 (D.C. Law 11-111; D.C. Official Code § 34–2202.01 *et seq.*),  
83 is amended as follows:

84           (a) Section 201 (D.C. Official Code § 34–2202.01) is amended by adding a new  
85 paragraph (5A) to read as follows:

86                     “(5A) “Nonresidential building” means a building that does not contain an  
87 ambulatory care facility, group home, sleeping unit, dwelling unit, housing unit, custodial care  
88 facility, or foster care facility as those terms are defined in Section 202 of the Building Code  
89 Supplement of 2017 (12A D.C.M.R § 202 (2021)).”

90           (b) Section 203 (D.C. Official Code § 34–2202.03) is amended as follows:

91                     (1) Paragraph (19) is amended to read as follows:

92                             “(19) To shut off water and sewer service to any building, establishment, or other  
93 place upon a determination that water service is causing waste, abuse of water supply, or any  
94 danger to public health, safety, or the general well-being of the District water system or to shut  
95 off water and sewer service to a nonresidential building for failure of the owner or occupant  
96 thereof to pay such water charges within 30 days from the date of rendition of the bill;”

97                     (2) Paragraph (32) is amended by striking the phrase “; and” and inserting a  
98 semicolon in its place;

99                     (3) Paragraph (33) is amended by striking the period and inserting “; and” in its  
100 place.

101                     (4) A new paragraph (34) is added to read as follows:

102                             “(34) To forgive debts owed by current and former customers in circumstances

103 deemed appropriate by the agency.”

104 Sec. 4. Fiscal impact statement.

105 The Council adopts the fiscal impact statement in the committee report as the fiscal  
106 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
107 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

108 Sec. 5. Effective date.

109 This act shall take effect after approval by the Mayor (or in the event of veto by the  
110 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
111 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
112 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
113 Columbia Register.