



MEMORANDUM

To: James Leonard, Records Commissioner
From: Debra McCarty, Water Commissioner
Date: 5/11/2016
Re: **Amendments to the Philadelphia Water Department Regulations -
Chapter 1: Customer Rights and Obligations**

Please find attached for filing amendments to the Philadelphia Water Department ("PWD") Regulations. In accordance with Section 8-407 of the City Charter, I am filing these amendments with your Department in order to initiate the public inspection period. Also, please find attached a memorandum from the Law Department approving these amendments.

Thank you for your assistance in this matter.



Debra McCarty
Water Commissioner

cc: Scott Schwarz, Divisional Deputy City Solicitor
Susan Crosby, Divisional Deputy City Solicitor

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City of Philadelphia

**LAW DEPARTMENT
Water Division
1101 Market Street
5th Floor
Philadelphia, PA 19107**

MEMORANDUM

**TO: Debra McCarty, Commissioner
Philadelphia Water Department**

**FROM: Scott Schwarz, Divisional Deputy City Solicitor
Water Division**

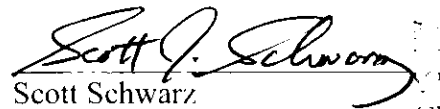
DATE: May 11, 2016

**SUBJECT: AMENDMENT TO PHILADELPHIA WATER DEPARTMENT
REGULATIONS**

691602

I have reviewed the attached Amendments to Chapter 1 of the Philadelphia Water Department Regulations and find the regulations to be legal and in proper form.

In accordance with Section 8-407(a) of The Philadelphia Home Rule Charter, you may forward this Regulation to the Department of Records where they will be made available for public inspection.


Scott Schwarz
Deputy Divisional City Solicitor

**CHAPTER 1
CUSTOMER RIGHTS AND
OBLIGATIONS**

100.0 RESIDENTIAL CUSTOMERS

100.1 Definitions

The following words and phrases when used in Sections 100.0 through 100.14 of these regulations have the meanings given to them in this Section unless specifically provided otherwise or unless the text clearly indicates otherwise:

(a) Authorized User: Any of the following types of Customers or users of the City's Utility Service:

1. Owner-Customer: An Owner in whose name the Utility Service account is established or who by operation of law is responsible for payment of charges for Utility Service.
2. Tenant-Customer: A Tenant with legal proof of tenancy, in whose name the Utility Service account is established.
3. USTRA Tenant: As defined hereinafter in this Section.
4. Occupant with ownership interest: A current Occupant with proof of residency and with the intent of gaining ownership of the Service Location.
5. Occupant without ownership interest: A current Occupant with proof of residency that accepts responsibility for the account and without any intent of gaining ownership of the Service Location.
6. Household Member with Medical Emergency: Any person who resides at the Service Location and who seeks

to delay shutoff of service pursuant to Section 100.10 of these regulations.

(ab) Customer: An Owner, Tenant or Occupant, other than an USTRA Tenant, who by operation of law or agreement is responsible for payment of the charges for water/sewer/stormwater service Utility Service at a Residential Property Service Location.

(b) Delinquent Bill: All water/sewer/stormwater charges unpaid within the billing cycle in which they are due.

(c) Department: The Philadelphia Water Department also referred to as Philadelphia Water or the Water Department.

(ed) Dwelling Unit: An individual housing unit, in a Residential Property such as a single family home or a single apartment within a multi-unit apartment building.

(e) Frivolous Appeal: An appeal taken other than in good faith and solely for purposes of delay.

(df) Occupant: A person who has the Owner's authorization to reside at a Service Location to whom an owner has yielded possession of a Residential Property or Dwelling Unit and who has a reasonable expectation of residing at such Dwelling Unit for a period of six months or longer.

(eg) Owner: A person who has title to a Residential Property or Dwelling Unit Service Location, or his or her agent acting on his or her behalf.

(fh) Rental Agreement: An agreement between two parties, whether either oral or written in writing, by which the Owner of the property a Service Location agrees to lease all or part of the Service Location to a

Tenant.

(gi) Residential Property: Any building containing one or more Dwelling Units occupied for residential purposes, but not including dormitories, nursing homes, hotels, or motels.

(hj) ~~Service Address~~Location: A Dwelling Unit or Residential Property of a Customer or Authorized User that ~~receives or received~~, is eligible to receive ~~water/sewer/stormwater service~~ Utility Service pursuant to an agreement between a customer and the City of Philadelphia after acceptance of an application for such Utility Service or by operation of law.

(ik) Tenant: A person who leases a Dwelling Unit all or part of a Service Location in a Residential Property pursuant to a current Rental Agreement and who is not an USTRA Tenant.

(l) USTRA: The Utility Service Tenants Rights Act, 68 P.S. §399.1 et seq.

(m) USTRA Landlord: A Customer that is a "landlord ratepayer" as defined for water service by USTRA, 68 P.S. §399.2.¹

(jn) USTRA Tenant: A Tenant, not a Customer, whose Dwelling Unit had

¹ USTRA defines "landlord ratepayer" as: One or more individuals or an organization listed on a gas, electric, steam or water utility's records as the party responsible for payment of the gas, electric, steam or water service provided to one or more residential units of a residential building or mobile home park of which building or mobile home park such party is not the sole occupant. USTRA defines "residential building" as: A building containing one or more dwelling units occupied by one or more tenants, but excluding nursing homes, hotels and motels. See footnote 2 for the definition of "tenant."

~~water/sewer/stormwater service at the time of rental, and who would be adversely affected by a shut-off of service. A person is not an USTRA tenant if he is or has agreed under the Rental Agreement to be a customer or if he took possession of the Dwelling Unit when it was without water/sewer/stormwater service. "USTRA" refers to the Utility Service Tenants Rights Act, 68 P.S. §399.1 et seq. A "tenant" as defined for water service by USTRA, 68 P.S. §399.2.²~~

(o) Utility Service: Water, sewer and/or stormwater service provided to an Authorized User or property.

(p) WRB: The Water Revenue Bureau, within the Philadelphia Revenue Department.

100.2 Application for Service as Residential Customers

The Water Revenue Bureau (WRB), subject to the terms and conditions set forth in these regulations, will ~~accept~~ receive completed applications to become a Customer from Owners, Tenants and Occupants as Water Department (~~Department or PWD~~) customers and will, upon acceptance of a completed application, direct the Department to provide ~~water/sewer/stormwater service~~ Utility Service in their names to their ~~Dwelling Units of the name of the~~ Customer to the authorized Service

² USTRA defines "tenant" as: Any person or group of persons whose dwelling unit in a residential building or mobile home park is provided gas, electricity, steam or water, pursuant to a rental arrangement for such dwelling unit, mobile home or plot of ground within a mobile home park, but who is not the ratepayer of the company which supplied such gas, electricity, steam or water. See footnote 1 for the definition of "residential building" in USTRA.

Location under the terms and conditions set forth in these regulations.

(a) Application to Become a Customer

(1) An Owner shall become a eCustomer as of the date of title transfer established by the record deed or otherwise established by sufficient evidence to show title to the ~~property~~ Service Location.

(2) A Tenant or Occupant who wishes to become a eCustomer ~~of the WRB~~ must submit:

(A) His or her name and current address, and, when available, a current telephone number. An applicant ~~may generally will~~ be required to provide ~~two pieces of~~ at least one form of personal identification in the form of a United States or State government issued photo identification, i.e. driver's license (any state), PA photo ID, U.S. passport, U.S. passport card, U.S. Permanent Resident Card, U.S. Visa, or U.S. Department of Defense Common Access Card. Other forms of personal identification will be referred to a WRB Supervisor.

(B) Satisfactory evidence of Owner's ~~consent to possession of the authorization to reside at the Dwelling Unit or Residential Property~~ by a Tenant or Occupant. Such evidence will usually be in writing, including, for example, a current; Rental Agreement or Agreement of Sale for the Dwelling Unit for which the applicant desires service, a lease, rent book, money order receipts, canceled checks, other utility bills in the applicant's name at that address, rent receipts, or other written evidence of tenancy or written evidence of the Owner's consent to occupancy. Evidence of a prior determination by a court of competent jurisdiction of the existence of a current

rental arrangement for the Dwelling Unit between the Owner and the applicant ~~or the acceptance of the applicant's complaint against the Owner and the scheduling of a hearing thereon by the Philadelphia Fair Housing Commission~~ shall be considered conclusive of this issue.

(C) A completed application and affidavit in such form as the WRB shall from time to time deem appropriate wherein the applicant agrees to pay for Utility Service supplied in his or her name and makes certain acknowledgements and certifications consistent with these regulations.

(3) All WRB determinations shall be made in writing upon the application form and a copy given or mailed to the applicant.

(4) Where ~~one~~ a person with a household income at or below 250% of the federal poverty level becomes the Owner of a ~~residential property~~ Service Location with an existing delinquent balance, the Department and the WRB will not deprive or refuse the new Owner of ~~water/sewer/stormwater service~~ Utility Service solely on the basis of that pre-existing delinquent balance, where the Owner becomes or is eligible to become a water/sewer/ stormwater service Customer as defined in Sub sections 100.2 (a) and (b) of these Regulations. The ~~PWD and the WRB~~ City may lien the property for any delinquent balance.

(5) An USTRA Tenant may apply to become a Customer pursuant to this section. An USTRA Tenant who requests continued service but who does not request to become a Customer may apply for continued service pursuant to Section 100.3 of these regulations.

(b) Eligibility

(1) An Owner, Tenant or Occupant of a Residential Property Service Location is qualified to become a water/sewer/stormwater Customer , UNLESS:

(A) The applicant is the agent of a current or previous delinquent Customer at the Residential Property Service Location and is attempting on that ~~said~~ delinquent Customer's behalf to avoid shut off or restore service previously shut off without payment of that said Customer's past due charges for ~~ater/sewer/stormwater service~~ Utility Service or any other miscellaneous charges ~~related to water/sewer service~~ Utility Service which ~~are due~~. Such agency will normally be found to exist where the property that would be receiving ~~service~~ Utility Service is or will be occupied by ~~the current or previous~~ a currently delinquent Customer or where such delinquent Customer would otherwise use or receive the benefit of the ~~service~~ Utility Service;

(B) The applicant has not paid or arranged to pay for past due charges for ~~water/sewer/stormwater service~~ Utility Service for which the applicant is legally responsible at this or another ~~address~~ Service Location, including charges for unauthorized usage;

(C) ~~Water~~ Utility Service to the ~~dwelling unit~~ Service Location is legally off due to nonpayment of prior bills, and there exist uncorrected PWD Water Department violation(s) at the Residential Property Service Location, or a determination that providing and Utility Service to the property Service Location, would endanger life, health, or safety or property;

(D) Service to a ~~Tenant or occupant~~ Service Location cannot be accomplished without ~~major~~ revision of the Department's distribution and/or collector facilities or acquisition of additional rights-of-way; ~~or~~,

(E) The Tenant or ~~o~~Occupant is a Customer currently receiving service at another Service Location and has a delinquent bill at the other Service Location; or ~~residential service address~~.

(F) The Tenant is applying for Utility Service at a Service Location for which no valid residential rental property license exists.

(2) Upon receipt of the evidence and documents required in Section 100.2(a)(~~2~~) ~~(A)~~ of these ~~R~~regulations, the WRB shall determine whether the applicant is a qualifying ~~o~~Owner, ~~an o~~Occupant, a or Tenant ~~or an USTRA tenant~~ and whether the applicant is eligible to become a ~~PWD~~ Customer.

(3) In determining whether uncorrected ~~PWD~~ Water Department violations exist at a Service Location in a Dwelling Unit, the WRB shall request that the Department promptly review its files and provide the WRB with a listing of any violations. The applicant shall be given a written list of any violations and advised that it is his or her responsibility to correct the violations. ~~and~~ The applicant may be required to provide a certification from a registered plumber that the corrections have been made ~~from a registered plumber~~ before service will be provided. In no case will water Utility Service be turned on if the Service Location Dwelling Unit is found at any time by the Department to be in a condition not suitable to receive water, or in a condition which

would create an emergency or dangerous condition to itself or another ~~Residential Property or Dwelling Unit~~ Service Location or endanger life, health, safety or property.

(c) Additional Conditions

(1) If the Dwelling Unit is already separately metered, a meter reading must be taken before the applicant will be accepted as a Customer. The reading may be taken by the applicant. In such cases, the Customer must provide the meter number and the meter interface unit (MIU) or encoder receiver transmitter (ERT) number. ~~but~~ The WRB reserves the right to require a reading by the WRB or the ~~PWD Water Department~~ before the application applicant will be accepted. In such cases, the WRB will promptly order a meter reading and advise the applicant to facilitate entry of the meter reader into the Dwelling Unit.

(2) If the applicant's Dwelling Unit is presently set up for individual metering but no meter is at the property, a meter must be installed before the applicant will be accepted as a Customer. In such cases, WRB will promptly order from the Water Department the installation of a meter and the applicant must provide entry to Department personnel into the property for this purpose. Meter charges must be paid or scheduled for payment as part of a payment agreement by the applicant before application approval.

(3) If the applicant's Dwelling Unit is not individually metered, the Dwelling Unit must be set up for individual metering by a registered plumber to the Department's satisfaction at the expense of the applicant or the Owner and a water meter must be installed before an applicant will be accepted as a Customer. Meter

charges must be paid or must be scheduled for payment as part of a payment agreement before application approval.

(d) Notice to Owner

(1) Upon receipt of a Customer application for Utility Service by ~~one~~ a person not the Owner of a Service Location, the WRB shall mail to the Owner ~~or his agent~~, at ~~his~~ the license address on file with the Department of Licenses and Inspections for the property in which an applicant's Service Location dwelling unit is located, or if no such license address is available, at such other address as the WRB reasonably believes is the valid current address of the Owner ~~or his agent~~, a Notice to Owner of Application by Tenant or Occupant to Become a Water Service Customer or For Continued Service, notice of the application in such form as the WRB shall from time to time deem appropriate.

(2) The ~~N~~notice shall advise the Owner of the application for and the possible provision of the ~~water/sewer/stormwater service~~ Utility Service to the Service Location property for which the ~~property~~ Owner will be responsible for payment if the applicant becomes delinquent. The ~~N~~notice shall afford the Owner or his or her agent ten (10) days from the date of the notice in which to provide the WRB with any comments regarding the applicant's eligibility and to indicate any objection to the application ~~and to request a hearing to dispute the grant of an application over the Owner's objection~~. The ~~N~~notice shall also advise the Owner to notify the WRB immediately if an emergency condition exists which makes the provision of water service a danger to the property or to the safety of others or their property. ~~The Notice shall state that water service, if currently~~

~~legally off, may be turned on if the Owner fails to timely notify the WRB of his or her objections.~~

(3) Should the Owner or ~~his~~ the Owner's agent fail to object and request an informal hearing prior to such time as the WRB is otherwise prepared to accept the applicant as a Customer, the Owner shall be deemed to have no objection to provision of ~~service~~ Utility Service in the applicant's name, and ~~service~~ Utility Service will be provided to the applicant, unless the water is currently off and the applicant has no evidence of a current lease or a right to possess the property, as described in Section 100.2(a)(2)(B).

~~(4) If comments disputing an applicant's eligibility are received from an Owner or his agent after the WRB accepts an application, the Owner may request a hearing before the WRB. The WRB shall not consider an Owner's objection and will not schedule a hearing on an Owner's objection received ten (10) days after the date of the notice of an application unless the WRB is satisfied that:~~

(A) ~~The Philadelphia address to which the Owner's notice was sent was incorrect, if not taken from a residential rental property license, and~~

(B) ~~The Owner or his agent did not timely receive the notice originally mailed.~~

(c) Acceptance of Application

(1) An applicant otherwise eligible shall be entitled to become a Customer for his or her Dwelling Unit only or to have service continued or restored to his or her Dwelling Unit ~~unit~~ only, upon

fulfillment of the above conditions, unless:

(A) Water service is currently on, the applicant has not presented evidence of a current lease or a right to possess the property, as described in Section 100.2(a)(2)(B), and the Owner expressly objects to the application; or

(B) Water service is currently off, the applicant has not presented evidence of a current lease or a right to possess the property, as described in Section 100.2(a)(2)(B), and the Owner has not given his or her express written consent to the provision of service in the applicant's name.

(2) The WRB may determine in its sole discretion to temporarily continue or restore service to the applicant's Dwelling Unit at no cost to the applicant.

(3) If a Tenant or ~~o~~Occupant is accepted as a Customer, the WRB shall so indicate on the application by signing it and giving or mailing the applicant a copy. ~~After acceptance by the WRB, the Tenant or occupant Customer shall be entitled to the same rights and subject to the same obligations as any other residential Customer of the WRB.~~

(4) Acceptance of an application from a Tenant or Occupant will not occur until the 10-day notice period to the Owner pursuant to Subsection (d) of this Section has expired. Prior to that time the application of a Tenant or Occupant will be considered as pending.

(f) Turn-on of Utility Service

(1) If Utility Service has been shut off

by the Department. ~~The Department will visit the property Service Location to turn-on Utility Sservice for a new Customer at no charge to the applicant where service can be provided by operation of the curb stop.~~

(2) Where Utility Sservice can only be provided by means other than the operation of the curb stop, such as restoration of the ferrule, service line or curb-stop to operable condition, such restoration must be made ~~privately~~ by a licensed plumber at the expense of the applicant or Owner.

(3) Notwithstanding any other provision of these regulations, where Utility Sservice has previously been shut off by the ~~PWD Water Department~~ or the WRB for any reason under these regulations or permitted by law, and the WRB has been notified that the Department of Licenses and Inspections has determined the premises to be in dangerous or imminently dangerous condition pursuant to the Building Code, Title 4 of the Philadelphia Code, service will be provided only upon the prior written consent of the Department of Licenses and Inspections.

(g) Rejection of Application

If the applicant is rejected as a Customer, the WRB shall so indicate on the application and give its reasons in writing in the appropriate space on the application. WRB will note any condition that must be met and itemize charges that must be paid in order to obtain service and will provide a ~~A~~ description of the process by which the applicant may dispute the WRB determination ~~will be set forth~~. A copy of the rejected application shall be promptly mailed or hand-delivered to the applicant.

(h) Revocation of Acceptance

Should the WRB after issuance of a written acceptance of the application, receive a ~~timely and~~ valid objection from an Owner ~~or agent~~ or determine that any of the certifications in the application are materially false or that the applicant may otherwise not be eligible to be a Customer, the WRB may deny, revoke and rescind acceptance of the application. ~~The revocation and rescission will be effective twenty (20) days after notice to the applicant of the intent to revoke and revocation will subject the property to immediate shut off unless a hearing is requested.~~ The WRB will give its reasons for revocation in writing on the application. The WRB will note any condition that must be met and itemize any charge that must be paid in order to obtain service ~~and will provide a~~ A description of the manner in process by which the applicant may dispute the WRB determination ~~revocation or rescission will be set forth.~~

(i) Termination of Customer Relationship

(1) After acceptance by the WRB of an application for Utility Service, Tenants and ~~o~~Occupants who are Customers will remain responsible for paying all future charges for water/sewer/stormwater service Utility Service to their Dwelling Units until such time as there is:

(A) ~~Revocation of acceptance of the Customer application;~~

(B) ~~Shut off of service pursuant to A~~ written request ~~being~~ received from the Tenant or Occupant Customer to terminate Customer status ~~and shut off service (for which there is a charge);~~

(C) Acceptance of a ~~new~~ subsequent

Customer for the Dwelling Unit by the WRB and the taking of a final meter reading; or

(D) ~~Issuance~~ Purchase of a discontinuance permit and termination of service at the Owner's request. Responsibility for the stormwater service charge will not terminate upon the issuance of a discontinuance permit.

(2) The WRB will notify Tenants and ~~e~~Occupants who are Customers of termination of their status as Customers in writing by first class mail. ~~Provided, however, where a Customer requests the termination of his Customer status, service to his Dwelling Unit may thereafter be shut off without prior notice.~~

(3) Owners, whether or not they are Customers or occupy the Service Location where Utility Service is being provided, remain responsible for paying water/sewer charges until the issuance of a discontinuance permit, and remain responsible for paying stormwater charges at all times during ownership.

100.3 USTRA Tenant Rights

(a) An USTRA ~~†~~Tenant may apply to the WRB for continued service at any time, UNLESS:

(1) The USTRA Tenant is the agent of a current or previous delinquent Customer at the ~~Residential Property~~ Service Location and is attempting on the Customer's behalf to avoid shut off or restore service previously ~~shut off~~ terminated without payment of the Customer's past due charges for ~~water/sewer/stormwater services~~ Utility Service. ~~Such agency may be found to exist where the property that would be~~

~~receiving service under a tenant Customer arrangement is or will be occupied by the current or previous delinquent Customer or where such delinquent Customer would otherwise use or receive the benefit of the service; or~~

(2) The USTRA Tenant has not paid or arranged to pay delinquent charges for ~~water/sewer/stormwater services~~ Utility Service arising out of illegal, unauthorized or authorized usage for which he or she is responsible, ~~at this or another service address.~~

(b) Application for Continued Service under USTRA

(1) A person who wishes continued service as an USTRA ~~†~~Tenant must submit:

(A) His or her name and current address;:

(B) A completed Application and Affidavit in such form as the WRB shall from time to time deem appropriate and which provides information necessary to support the applicant's claim of tenancy;: and

(C) Satisfactory evidence of Owner's authorization to reside at the Dwelling Unit by a Tenant or Occupant. Such evidence will usually be in writing, including, for example, a current: Rental Agreement or Agreement of Sale for the Dwelling Unit for which the applicant desires service, a lease, rent book, money order receipts, canceled checks, other utility bills in the applicant's name at that address, rent receipts, or other written evidence of tenancy or written evidence of the Owner's consent to occupancy. Satisfactory written evidence of the

~~tenancy, such as a lease, rent book, money order receipts, canceled checks, or other utility bills in the applicant's name at that address, rent receipts, or other written evidence.~~

~~(D) Satisfactory evidence that the property had water/sewer/stormwater service when the tenancy began.~~

(2) All USTRA Tenant determinations will be made by the WRB in writing upon the application form. If an applicant is entitled to continued service under USTRA, the WRB shall accept the application by signing it and giving or mailing the applicant a copy. The WRB may determine in its sole discretion that in lieu of continuing service under USTRA, the WRB will temporarily continue or restore service at no cost to the USTRA ~~†~~Tenant. If there is a change in ownership of the Service Location, the USTRA Tenant must reapply for continued service under USTRA.

100.4 Shut off of Utility Service

(a) Nothing in this regulation shall modify the Department's right to shut off ~~water and/or sewer s~~ Utility Service without prior notice to prevent or alleviate an emergency which presents a danger to life, health, safety or property.

(b) In addition to shut offs caused by revocations of acceptance of applications, the WRB may cause the PWD Water Department to shut off terminate water s Utility Service at a Residential Property Service Location, after notice has been given and the opportunity for an informal hearing provided, on the following grounds:

(1) ten (10) days after a Customer

is delinquent for two billing periods; or

(2) when the PWD Water Department or the WRB is denied for ~~two consecutive billing periods~~ access to the Residential Property Service Location to read or make changes or repairs to the meter.;

(c) When the Department ~~terminates~~ shuts off water service Utility Service to a residential occupied property Service Location, the water and sewer service charges shall not be charged against the ~~property~~ Service Location during the period of any termination beginning with the date of any termination. The Owner shall be responsible for the stormwater service charge at all times and under all circumstances.

(d) The Department will suspend the ~~termination of water service Utility Service~~ to residential occupied properties for nonpayment of a delinquent bill from December 1st to March 31st of the ensuing year. This suspension does not release any water Customer of the obligation to pay for ~~water service~~ Utility Service.

(e) Immediate Termination for Unauthorized Use, Fraud or Tampering

(1) The Department may immediately terminate Utility Service without prior notice for unauthorized use of Utility Service delivered on or about the affected Service Location, fraud, material misrepresentation of the Customer's identity for the purposes of obtaining service, or tampering with meters or other Water Department equipment.

(2) Upon termination, the Department shall make a good faith attempt to provide a post-termination notice to the Customer or a responsible adult person or Occupant at the affected Service Location. If providing

a post-termination notice to the Customer or responsible adult person at the affected Service Location is not possible, the Department shall conspicuously post the notice at the affected Service Location. In the case of single meter, multiunit Residential Property, the Department shall conspicuously post the notice at the Residential Property, including in common areas when possible.

(3) For purposes of this Subsection the phrase "unauthorized use of service" means the unreasonable interference or diversion of Utility Service, including tampering (an act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between the City's water supply system and Customer-owned facilities), and unauthorized service restoration.

100.5 Notice of Shut off

(a) Shut off Notice to Residential Customer other than USTRA Landlords

A shut off notice in English and Spanish will be mailed or delivered to a Customer. Translations to other languages will be provided upon request. If the WRB directly bills a Tenant Customer, a duplicate notice will be mailed or delivered to the Owner Customer.

The shut off notice to a Customer shall include at least the following information, when applicable, in such form, as the WRB or the Department shall from time to time deem appropriate.

- (1) Account number;
- (2) Date of notice;
- (3) Address of property;

(4) Amount past due;

(5) Date on or after which water service will be shut off;

(6) ~~To avoid shut off Customer must~~ The available methods for avoiding shut off, including:

(A) ~~Pay the entire balance, including penalty, before the shut off date~~ tendering sufficient payment to avoid or postpone shut off of water service or otherwise eliminate the grounds for shut off of service;

(B) ~~Negotiate or renegotiate~~ entering into a payment agreement before the shut off date;

(C) ~~paying what is past-due on~~ the most recent payment agreement before the shut off date;

(D) ~~enrolling in the City's Water Revenue Assistance Program, if the Authorized User is eligible for the~~ program;

(E) ~~applying to the WRB for~~ continued service under USTRA, if the Authorized User is an USTRA Tenant;

(F) ~~Make~~ completing such other steps as may be required as specified in a notice issued by the Department ~~an appointment for a meter-reading or for access to the meter by the Water Department, such appointment to be scheduled within ten (10) days of the date of the notice;~~ or

(G) ~~Request a~~ requesting an informal hearing within ten (10) days if a dispute exists as to: ~~any matter described in Section 100.7(a) of these regulations;~~

(i) ~~Customer's responsibility for the bill,~~

(ii) ~~amount due or other possible errors in the bill,~~

(iii) ~~Whether the WRB has applied the standard payment agreement terms, or~~

(iv) ~~Whether the Customer has unreasonably refused to take reading or to provide access to the meter.~~

(7) A notice that a timely hearing request will prevent shut off until a final decision is made;

(8) A notice that a hearing request must be made in person or in writing, and must be received within ten (10) days of the date of the notice;

(9) A telephone number to call for further information or explanation;
and

(10) A seriously ill recipient of service (Customer in a household in which a member is seriously ill) may delay shut off by providing the WRB with a certificate of serious illness. The Medical Emergency Procedures for delaying shut off pursuant to Section 100.10 of these Regulations.

(b) Shut off Notice to USTRA Landlords Owner of Occupant or Tenant Inhabited Property

The sShut off notices required to be given to USTRA Landlords pursuant to Section 3 of USTRA, 68 P.S. 399.3 the Owner where the Residential Property is non-owner occupied shall include the same information set forth in Sub-sections 100.5 (c)(1-10) of these Regulations and the

following information shall contain the information required by Section 5 of USTRA, 68 P.S. §399.5, in such form as the WRB shall deem appropriate;

(1) ~~The obligation of Owners of tenant occupied property within seven days of receipt of the notice to provide the WRB with names and addresses of every Tenant, unless the Owner has paid the bill in full, entered into an agreement to pay the amount due, requested a hearing, or allowed access to the meter for a reading or changes or repairs, and the penalties for failure to provide such information.~~

(2) ~~Should an Owner within ten (10) days of the receipt of the notice fail to pay the bill, enter into a satisfactory payment agreement, request an appropriate hearing, or allow the WRB or PWD access to the meter, the WRB will attempt to notify each Tenant and occupant of the date of the proposed shut off and their rights. USTRA tenant(s) have the right to continue water service by paying the bill for the thirty (30) days preceding notice and each subsequent thirty (30) day period and to deduct the amount of such payment from any rental or other payment currently due the Owner or that will become due in the future. Tenants and occupants may apply to become Customers for water/sewer/stormwater service.~~

(3) ~~An Owner may not retaliate against an USTRA tenant for the exercise of the above rights.~~

(4) ~~An Owner may stay notification to the Tenants or occupants and the proposed shut off of service by petitioning the appropriate court.~~

~~(5) The date after which Tenants or occupants will be notified of the proposed shut-off of service.~~

~~(6) In addition to shutting off the water service, the WRB may sue the Owner in court for nonpayment and file a lien against the Residential Property for the amount of the delinquency.~~

(c) Shut off Notices to USTRA Tenants and Occupants who are not Customers.

The ~~s~~Shut off notices required to be given to USTRA ~~†~~Tenants pursuant to Section 3 of USTRA, 68 P.S. §399.3, shall contain the information required by Section 6 of USTRA, 68 P.S. §399.6 and occupants shall include at least the following information, in such form as the WRB shall deem appropriate.:

~~(1) Account Number~~

~~(2) Address of the property~~

~~(3) Date of the notice~~

~~(4) Amount due for water/sewer/ stormwater services for thirty days preceding the date of the notice~~

~~(5) Reason for shut off~~

~~(6) Date on or after which water service will be shut off~~

~~(7) USTRA tenant(s) may pay the amount due for the preceding thirty (30) days. The USTRA tenant(s) will receive, by mail or hand delivery, bills for subsequent periods of 30 days, so long as there is an outstanding delinquent water service bill for the Residential Property for which the landlord has not arranged payment.~~

~~If the USTRA tenant(s) fails to pay a thirty (30) day bill within thirty (30) days of the date that the bill is mailed or delivered, service may be shut off after an appropriate shut-off notice is mailed or delivered to the address of each USTRA tenant.~~

~~(8) The manner in which service to tenants affected by non payment may be continued and a notice explaining the process as provided by law in substantially the following form:~~

~~NOTICE TO TENANTS: YOUR WATER SERVICE MAY BE SHUT OFF. PLEASE READ THIS NOTICE ABOUT YOUR RIGHTS.~~

~~THIS NOTICE DOES NOT APPLY TO ANY WATER SERVICE NOW IN YOUR NAME AND FOR WHICH YOU ALREADY PAY THE BILL. THE WATER BILL FOR YOUR BUILDING HAS NOT BEEN PAID. YOUR WATER SERVICE WILL BE SHUT OFF ON OR AFTER [DATE] UNLESS THIS BILL IS PAID.~~

~~AS A TENANT AFFECTED BY THIS SHUT OFF, YOU HAVE THE FOLLOWING RIGHTS:~~

~~You can join with the other tenants to pay the bill for the last thirty (30) days preceding this notice, or you can pay the total bill yourself. If you pay either way, you do not have to pay a deposit or get credit granted in your name. You will not have to pay your landlord's other debts or the debts of prior tenants, and water service will remain in the name of the landlord.~~

~~If you join with other tenants to pay the bill, you must provide the WRB with the name of each tenant who paid part of the bill and the amount paid by each tenant.~~

You must also designate an agent for the group of tenants with whom Water Revenue Bureau ("WRB") will deal on your group's billing.

You may deduct your payment for water service from your rent due now or from future rent. The WRB will tell your landlord how much you paid for that utility service.

If your building has one meter for more than one tenant, the water/sewer/stormwater bill is for all tenants and must be paid in full. If you only pay part of the last thirty (30) day billing, your water service will be shut off and the WRB will return your money. If service is shut off for sixty (60) consecutive days, the WRB will refund your money without request.

The law provides that your landlord cannot punish you if you pay the water/sewer/stormwater bill. Your landlord cannot raise your rent, cannot evict you, and cannot take action against you in any other way for paying the bill and deducting it from the rent. You have a right to recover money damages from the landlord for any damages or injury he causes you for exercising your rights as a result of this Notice.

You can become a Water Department Customer and get your water service billed in your name if your unit has its own meter, or you choose to pay to have your unit individually metered if in the Water Department's opinion it is technically feasible to do so. Please call the number below if you want further information.

Payments may be made by check or money order, or by bringing cash to the WRB. You will be advised that the shut off is canceled if you or your landlord pays the bills.

~~IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR RESPONSIBILITIES, PLEASE TELEPHONE [] YOU SHOULD CALL OR WRITE BEFORE THE SHUT OFF DATE.~~

~~(9) A Customer in a household in which a member is seriously ill may delay shut off for thirty (30) days by providing the WRB with a certificate of serious illness pursuant to Section 100.10 of these Regulations.~~

~~(10) The City reserves the right in its sole discretion to continue service to USTRA tenants on terms more favorable to them than those set forth in the notice.~~

~~(ed) Subsequent Shut off Notices to USTRA-Tenants~~

Subsequent shut off notices required to be given to USTRA Tenants pursuant to Section 7 of USTRA, 68 P.S. §399.7, shall contain the information required by Section 8 of USTRA, 68 P.S. §399.8

A shut off notice to an USTRA tenant who has failed to pay a second or succeeding thirty (30) day bill(s) shall include the following information:

(1) The date on or after service will be shut off which in no event will occur less than thirty (30) days following to the first written notification of the proposed shut off.

(2) The amount due on any thirty (30) day bill(s) or Customer bill(s).

(3) A telephone number to call for information or explanation.

~~(4) A statement that the tenant has the right to sue in court to enforce any legal rights that he or she may have.~~

~~(d)~~ Shut off for Lack of Meter Access

~~If a Service Location is subject to shut off is due to lack of a meter reading or lack of access to the meter, the WRB Department will contact the Customer, tenant or occupant by phone or send a reminder notice which states: "Your water service is subject to shut off unless [a meter reading] [access to your meter] is obtained within thirty (30) days. For further information, see the enclosed shut off notice." send or deliver a notice to the Service Location by mail or hand delivery stating that to avoid shut off of service and possible additional charges the Customer must contact the Department and provide access to the meter by the Department. If the Department's records show that the mailing address of the Owner is different from the Service Location address, a duplicate notice will be sent or delivered to the Owner by mail or hand delivery to his or her mailing address.~~

(f) Service of Notices

In the case of service of notices referred to in this Section which are mailed or delivered to a Customer or Service Location, WRB and the Department shall be entitled to rely on the mailing address or service address as reflected on the bill and in the records of WRB or the Department, as of the date the notice is served.

100.6 Shut-Off Notice Schedule

(a) Notice Schedule for Residential Customers

(1) Except as otherwise provided in

Section 100.4 of these regulations, Customers subject to shut off for any of the reasons stated in these regulations will receive two prior written notices of the scheduled shut off date.

(2) A ~~shut off~~ notice scheduling shut off no earlier than ten (10) days after a Customer has been delinquent for two billing cycles will be issued no earlier than the date of the first delinquent bill.

(3) A ~~shut off~~ notice ~~scheduling shut off~~ for ~~failure to provide a Customer who has refused the City~~ access to the meter pursuant to Section 100.4 of these ~~R~~regulations will be mailed or hand delivered to ~~the Customer~~ in accordance with Section 100.5(e) of these regulations.

(4) Except as otherwise provided in Section 100.6(b)(2) of these regulations, a A-second shut off notice will be issued mailed or hand delivered to a Customer, at least thirty (30) days after mailing or hand delivery of the first notice. This will be the final notice scheduling shut off.

(5) If the Customer does not permit a reading or access to the meter, pay the delinquent bill in full, enter into a payment agreement, request a hearing or produce a certificate of serious illness pursuant to Section 100.10 of these ~~R~~regulations, the water service to the Residential Property will be subject to shut off any time on or after the shut off date set forth on the second notice.

(b) Notice Schedule for ~~Non-Customers~~ USTRA Landlords and USTRA Tenants for Nonpayment

(1) ~~Where the Customer of property inhabited by tenants or occupants is the Owner~~ a Service Location is inhabited by

USTRA Tenants, a shut-off the first notice will be issued to the Owner at the address which the WRB reasonably believes to be the Owner's address scheduling shut off no earlier than ~~ten (10) days after the Customer has been delinquent for two billing cycles~~ forty-five (45) days after the notice.

(2) If within fifteen (15) days after the mailing or delivery of ~~a shut-off~~ the first notice to the Owner, the Owner has not ~~permitted a meter reading or access to the meter,~~ paid the delinquent bill in full, entered into a payment agreement, requested an informal hearing or petitioned the appropriate court to dispute shut off, a second ~~shut-off~~ notice will be mailed or delivered to the Owner. At the same time a shut off notice will be mailed or delivered to the tenants or occupants of the property advising them of the steps they may take to continue water service.

(3) Service shall be effective upon the Owner or his or her agent by certified mail with a return receipt signed by the Owner or agent, or hand delivery at the address(es) which the WRB reasonably believes to be the Owner's address.

(4) After unsuccessful attempts at personal service on two (2) separate days at any address where the Owner or agent might be reasonably found ~~or, at the Residential Property,~~ service may be effected by mailing the notice by first class mail and conspicuously posting the notice at the Owner's principal place of business or billing address. If the Owner has not otherwise designated a billing or business address, the WRB may consider the Residential Property Service Location as the principal place of business of the Owner for this purpose.

(5) Service shall be effective upon

~~tenants and occupants~~ USTRA Tenants by hand delivery to the ~~service address~~ Service Location or delivery by first class mail and, in the case of multi-unit Service Locations dwellings, by posting notices in those common areas where it is reasonably likely to be seen by all tenants and occupants and may include a warning that any person who removes or tampers with the notice commits a criminal act punishable by fine.

(6) After mailing or delivery of the second notice to the Owner, a WRB representative will visit ~~the property a~~ multi-unit Service Location to post a notice scheduling shut off no earlier than ~~fifteen (15)~~ thirty (30) days thereafter and, if possible, to make contact with USTRA Tenants ~~tenants and occupants~~ to inform them of their rights.

(7) A ~~shut-off~~ notice to an USTRA-tenant Tenant who has failed to pay a second or succeeding thirty (30)-day bill(s) shall be mailed or otherwise delivered to the address of each affected tenant, scheduling shut off no earlier than thirty (30) days after delivery of the notice.

~~(8)~~ (c) Notice to Tenant Customers, Occupant Customers and Owners.

Where water service to a ~~tenant or occupant~~ Tenant Customer or Occupant Customer is to be shut off for reasons of his or her non-payment of charges for ~~water/sewer/ stormwater services~~ Utility Service or his or her failure to permit access to the meter, the ~~tenant or occupant~~ Tenant Customer or Occupant Customer shall be afforded the same notice and hearing rights as any other residential Customer under these ~~shut-off~~ regulations. In such a case, the WRB or the Department shall promptly send to the Owner ~~or his agent~~ by mail or hand delivery

to his or her record address(es) a copy of the shut off notice mailed or delivered to the ~~tenant or occupant~~ Tenant Customer or Occupant Customer.

100.7 Informal Hearings

(a) In addition to the hearing provided in Section 100.2(d)(2) of these ~~R~~regulations, and unless a hearing or an opportunity for a hearing has already been given on the same issue or charges (as determined by the Revenue Department), upon timely request, ~~a Customer~~ an Authorized User may request an informal hearing ~~before the WRB to~~ contest a written decision or determination of the Water Department or WRB with regard to the following:

(1) ~~Dispute~~ the Authorized User's ~~Customer's~~ responsibility for the Utility Service ~~water and sewer, but not the stormwater~~ charges;

(2) ~~Dispute~~ the amount due or any possible errors in computing charges on the ~~water, sewer, or stormwater~~ Utility Service bill;

(3) ~~Dispute~~ a WRB payment agreement, including whether the agreement terms have been properly applied, the amount of arrears for which an Authorized User is responsible, the completeness of an application for a payment agreement, the adequacy and completeness of any documentation submitted in connection with an application for a payment agreement, or the performance of an Authorized User's obligations under the payment agreement;

(4) ~~Dispute~~ rejection of an application for service under Section

100.2(g) or revocation of acceptance of an application for service under Section 100.2(h) of these regulations;

(5) ~~Dispute~~ shut off for nonpayment ~~failure to take or permit a meter reading or to provide access to the meter;~~

(6) ~~Dispute~~ shut off for failure to provide ~~nonpayment or lack of access to the meter to change, repair or read;~~

(7) ~~Dispute~~ denial of a request for continued service pursuant to Section 100.10 of these ~~R~~regulations (Medical Emergency Procedures); ~~and/or~~

(8) ~~Dispute~~ denial of an application for continued water service under USTRA ~~and/or;~~ -

(9) a determination that an applicant is ineligible for a HELP loan due to a delinquent balance on his or her Utility Service bill or for a reason other than ~~homeownership.~~ ^{CO} ^{HP} ^{CS}

(b) To be timely, requests for informal hearings must be made;

(1) within thirty (30) days of the date of the disputed bill or written determination that is being disputed; or

(2) within ten (10) days from the date of the first shut off notice, or notice of rejection or revocation of an application for service.

Thereafter, the right to request a hearing is waived, except to dispute charges accruing and determinations made after the date of the first shut off notice, or unless the hearing officer, for good cause shown, grants an untimely request for an

informal hearing.

(c) Hearing requests may be made in person to the WRB or by mail. An Authorized User may request a hearing by completing and submitting a form prepared by WRB. The form may be completed by a WRB customer or service representative in exceptional circumstances on a case-by-case basis, e.g. where the Authorized User is visually impaired. If shut off has not occurred, the WRB may upon good cause shown grant a hearing request made after the scheduled shut off date, or more than ten (10) days after the first shut off notice.

(d) Where a hearing is requested an Authorized User has requested an informal hearing and Utility Service service to a Service Location property is on, the WRB shall give at least ten (10) days notice by regular mail or hand delivery to the Customer and Authorized User or his or her specified representative, if any, setting forth the time, date and place of hearing and the Customer's Authorized User's rights at the hearing as set forth in Sub-sections 100.7(a-4) of these Regulations, provided that an earlier hearing may be scheduled by mutual agreement. Where a hearing is requested and water service to a property is off, or the hearing is requested by an Authorized User to dispute denial of a request for continued service pursuant to Section 100.10 of these regulations (Medical Emergency Procedures), or a hearing is requested by an Authorized User subject to immediate termination pursuant to Section 100.4 (e) (Immediate Termination for Unauthorized Use, Fraud or Tampering) or Section 100.8(c) (Frivolous Appeals) of these regulations, the WRB shall schedule an informal hearing to be held within ten (10) days of receipt of an informal hearing request form, unless a later time is requested.

~~(e) The Customer or applicant Authorized User, or his or her designated representative who need not be an attorney, may request in writing or may visit the WRB in person during normal work hours, to review and receive copies of any available records relevant to Utility Service at such individual's primary residence documents at any time during regular working hours prior to the date of the hearing, including any computer printout relevant to the billings for water/sewer/stormwater service Utility Service to the Residential Property Service Location. WRB will make a good faith effort to respond to such a request for in accordance with WRB policy and procedures.~~

(f) Upon showing of good cause by the ~~Customer or applicant~~ Authorized User, such as illness, one continuance of the informal hearing shall be granted for a total period not to exceed ten (10) days. Additional continuances may be granted within the discretion of the WRB Revenue Department.

(g) The informal hearing shall be conducted by an impartial hearing officer who shall be an employee of the City knowledgeable about water usage, billing practices and procedures, but who has not previously discussed or considered the dispute with the Customer or applicant Authorized User, except in his or her capacity as a hearing officer.

(h) At the informal hearing, the hearing officer shall consider all relevant evidence and shall permit the presentation and questioning of relevant witnesses and documents as determined by the hearing officer. The Customer Authorized User may bring a representative who need not be an attorney. All testimony at the hearing may

be recorded by the hearing officer but the recording will not be transcribed unless a party at the hearing requests and makes arrangements for payment for such a transcript or other circumstances warranting a transcription exists. Unless objected to, parties may make their own tape recording of the hearing, but the only official record shall be that made by the hearing officer.

(i) The hearing officer may request a meter re-reading or leak inspection at no charge to the Customer Authorized User and/or a meter test, the cost of which will be charged to the Customer Authorized User if the test shows that the meter is accurate within 2%. The hearing officer shall review such evidence in reaching a final decision on the dispute.

(j) If a Customer or applicant demonstrates to the hearing officer's satisfaction that he or she is unable to attend a hearing in person because of disability or illness, the hearing officer shall conduct the hearing by telephone or take such other steps as the officer in his discretion deems appropriate under the circumstances to reasonably accommodate the Customer applicant. The hearing officer may conduct the hearing telephonically upon a timely request of a party and a showing of good cause, e.g. Authorized User is disabled, ill, a senior citizen or out of town.

(k) The hearing officer has the authority to determine, either on his or her own motion or upon a motion of a party to the hearing, that an Authorized User does not have standing, or that a matter is moot or not yet ripe for a decision, or that the matter is more appropriately decided by another City office, department, board or commission.

(~~l~~) After the hearing, the hearing officer

shall send to the Customer or applicant Authorized User and to his or her specified representative, if any, by first class mail a written decision with a summary of the facts and reasoning that are the basis of the decision. Any copy of any meter rereading, inspection or meter test findings shall be attached to included in the hearing decision, if applicable and relevant to the decision.

(~~lm~~) Thereafter, any obligation of the Customer or applicant Authorized User affirmed by the hearing officer must be satisfied within thirty (30) days of the date of the decision. Upon the expiration of thirty (30) days, unpaid disputed charges shall be delinquent.

100.8 Rights Pending Final Decision

(a) Except as otherwise provided in this Section or elsewhere in these regulations, WRB and the Water Department will not shut off Utility Service to a Service Location in the following circumstances and during the following periods:

(1) from the initiation of a dispute covered by Section 100.7(a) of these regulations until thirty (30) days after the issuance of a decision on that dispute;

(2) while a dispute about an account is being reviewed by the Account Analysis Unit (AAU) of the Revenue Department;

(3) from the filing of a completed informal hearing request form in accordance with Section 100.7 of these regulations until thirty (30) days after the issuance of an informal hearing decision;

(4) from the filing of a completed hearing request with the Tax Review Board (TRB) of Office of Administrative Review

(OAR) until thirty (30) days after the issuance of a TRB or OAR decision;

(5) when WRB is notified of a medical emergency condition in accordance with Section 100.10 of these regulations; or

(6) during such other periods established by WRB or Water Department rules, regulations or written policy.

However, the Authorized User must pay the undisputed portion of disputed bill(s) and shut off of service may occur if the undisputed portion becomes delinquent.

(b) Informal hearing requests related to the completeness of an application for a payment agreement or the adequacy or completeness of any documentation submitted in connection with such an application will not result in a delay or stay of the shut off of water service pending the outcome of the appeal. Applicants submitting incomplete applications will be mailed or delivered a written notice of what information or documentation is missing. Upon providing notice to the applicant that its informal hearing request is incomplete, water service on the account may be shut off without further demand or notice no earlier than fourteen (14) days after such notice of an incomplete application has been mailed or delivered to the applicant.

(c) Frivolous Appeals. Except as provided in this Subsection below, if an Authorized User is found by a decision of a hearing officer to have filed or submitted at least two Frivolous Appeals and the hearing officer's decision is not appealed further or is appealed and upheld after further appeal, then subsequent informal hearing requests by such Authorized Users within 18 months of the hearing officer's Frivolous Appeal determination will not result in a stay or

postponement of shut off of Utility Service. Instead, upon filing of a subsequent informal hearing request by such an Authorized User under the circumstances described above, an informal hearing will be scheduled on an expedited basis (within 10 days of an informal hearing request form), unless a later time is requested by the Authorized User. A request to delay the hearing will not stay shut off of Utility Service. If a hearing officer decides a future informal hearing request in favor of such Authorized User, the Frivolous Appeal restrictions will be lifted.

(~~a-d~~) A notice of the Customer's rights of review, compromise, waiver and refund with the ~~Tax Review Board~~, TRB, OAR and/or the Department of Revenue under Chapter 19-1700 of The Philadelphia Code and the stay procedures set forth below shall be included by the hearing officer in every hearing decision.

(~~b-c~~) If a ~~Customer~~ an Authorized User timely files a petition for review with the ~~Tax Review Board (TRB)~~ or the OAR raising matters within the jurisdiction of the TRB/OAR and the matters were raised before the informal hearing officer, the WRB will stay further shut off action pending a final decision of the TRB/OAR, provided that the ~~Customer~~ Authorized User or his or her representative promptly notifies the hearing officer in writing of the petition and the Authorized User pays or arranges to pay any undisputed past charges, including penalties, and thereafter complies with any outstanding payment agreements and pays or arranges to pay all current charges when due in the future, except as otherwise provided during medical emergencies as set forth in Section 100.10 of these regulations.

If a stay is revoked because of a ~~Customer's~~ the failure of an Authorized User or their

representative to comply with these conditions, the WRB shall give at least ten (10) days written notice by mail or hand delivery of its intention to shut off ~~service-Utility Service~~. In no case will the filing of a petition for review require the ~~WRB Water Department~~ to restore ~~service-Utility Service~~ already shut off, except as otherwise provided during medical emergencies as set forth in Section 100.10 of these regulations.

(e-f) After a final decision of the TRB/OAR regarding a billing issue, the WRB will mail a final bill to the ~~Customer-Authorized User~~ who requested review by TRB/OAR with a notice that the ~~Customer-Authorized User~~ will have thirty (30) days from the date of the bill to pay or enter into payment agreement with the WRB to pay the original or modified charges or the Residential Property Service Location will be subject to shut off without further notice, unless the property is occupied by a one or more USTRA Tenants, in which case appropriate notice shall be provided to ~~each Dwelling Unit~~ in accordance with USTRA and Section 100.6 of these regulations.

(d-g) If the ~~Customer-Authorized User~~ files a petition for compromise, waiver or refund, the ~~Customer-Authorized User~~ may apply in writing to the WRB, which may in its discretion grant a stay of further shut off action pending final decision on the petition. If a stay is granted, the ~~procedures in Sub-sections 100.8 (b) and (c) of these Regulations shall apply.~~

100.10 Medical Emergency Procedures

(1) The WRB shall delay shut off of water service where shut off will aggravate an existing serious illness of any person who is a ~~resident~~ an Occupant of the Residential Property, if: ~~(1) A~~ a written certification on a physician's stationery,

dated and signed by a physician is submitted to the WRB which sets forth the name, address, and telephone number of the physician, the name and address of the resident Occupant who is ill, that the physician has examined the person, and the nature, seriousness and expected duration of the illness, ~~and~~

~~(2) The affected resident makes a written certification that the shut off will aggravate an existing serious illness and acknowledges in writing that if before the end of the delay period the Customer has not paid the delinquency in full or exercised any rights that may exist to enter into a payment agreement or request a hearing, or, in the case of an USTRA-Tenant occupied property, if a payment has not been made by one or more USTRA Tenants of the charges incurred in the thirty (30) days preceding the notice of shut off, service will thereafter be subject to shut off without further notice.~~ 2

(3b) The certification of illness shall delay shut off for the length of the illness or thirty (30) days from the date that the certificate is submitted, whichever is less, and may be renewed for no more than an additional thirty (30) days.

(4c) The right to delay shut off under this Section may only be exercised once in any twelve month period.

100.13 Posting of Customer Authorized User Rights

The WRB shall post in several conspicuous places in its offices easily understood posters to notify ~~Customers~~ Authorized Users of their rights, including the right to dispute the WRB's decision.

**CHAPTER 1
CUSTOMER RIGHTS AND
OBLIGATIONS**

100.0 RESIDENTIAL CUSTOMERS

100.1 Definitions

The following words and phrases when used in Sections 100.0 through 100.14 of these regulations have the meanings given to them in this Section unless specifically provided otherwise or unless the text clearly indicates otherwise:

(a) Authorized User: Any of the following types of Customers or users of the City's Utility Service:

1. Owner-Customer: An Owner in whose name the Utility Service account is established or who by operation of law is responsible for payment of charges for Utility Service.
2. Tenant-Customer: A Tenant with legal proof of tenancy, in whose name the Utility Service account is established.
3. USTRA Tenant: As defined hereinafter in this Section.
4. Occupant with ownership interest: A current Occupant with proof of residency and with the intent of gaining ownership of the Service Location.
5. Occupant without ownership interest: A current Occupant with proof of residency that accepts responsibility for the account and without any intent of gaining ownership of the Service Location.
6. Household Member with Medical Emergency: Any person who resides at the Service Location and who seeks

to delay shutoff of service pursuant to Section 100.10 of these regulations.

(b) Customer: An Owner, Tenant or Occupant, other than an USTRA Tenant, who by operation of law or agreement is responsible for payment of the charges for Utility Service at a Service Location.

(c) Department: The Philadelphia Water Department also referred to as Philadelphia Water or the Water Department.

(d) Dwelling Unit: An individual housing unit in a Residential Property such as a single family home or a single apartment within a multi-unit apartment building.

(e) Frivolous Appeal: An appeal taken other than in good faith and solely for purposes of delay.

(f) Occupant: A person who has the Owner's authorization to reside at a Service Location.

(g) Owner: A person who has title to a Service Location, or his or her agent acting on his or her behalf.

(h) Rental Agreement: An agreement between two parties, either oral or written, by which the Owner of a Service Location agrees to lease all or part of the Service Location to a Tenant.

(i) Residential Property: Any building containing one or more Dwelling Units occupied for residential purposes, but not including dormitories, nursing homes, hotels, or motels.

(j) Service Location: A Dwelling Unit or Residential Property of a Customer or Authorized User that is eligible to receive Utility Service after acceptance of an application for such Utility Service or by

operation of law.

(k) Tenant: A person who leases all or part of a Service Location pursuant to a current Rental Agreement and who is not an USTRA Tenant.

(l) USTRA: The Utility Service Tenants Rights Act, 68 P.S. §399.1 et seq.

(m) USTRA Landlord: A Customer that is a "landlord ratepayer" as defined for water service by USTRA, 68 P.S. §399.2.¹

(n) USTRA Tenant: A "tenant" as defined for water service by USTRA, 68 P.S. §399.2.²

(o) Utility Service: Water, sewer and/or stormwater service provided to an Authorized User or property.

(p) WRB: The Water Revenue Bureau, within the Philadelphia Revenue Department.

¹ USTRA defines "landlord ratepayer" as: One or more individuals or an organization listed on a gas, electric, steam or water utility's records as the party responsible for payment of the gas, electric, steam or water service provided to one or more residential units of a residential building or mobile home park of which building or mobile home park such party is not the sole occupant. USTRA defines "residential building" as: A building containing one or more dwelling units occupied by one or more tenants, but excluding nursing homes, hotels and motels. See footnote 2 for the definition of "tenant."

² USTRA defines "tenant" as: Any person or group of persons whose dwelling unit in a residential building or mobile home park is provided gas, electricity, steam or water, pursuant to a rental arrangement for such dwelling unit, mobile home or plot of ground within a mobile home park, but who is not the ratepayer of the company which supplied such gas, electricity, steam or water. See footnote 1 for the definition of "residential building" in USTRA.

100.2 Application for Service as Residential Customers

The Water Revenue Bureau (WRB), subject to the terms and conditions set forth in these regulations, will receive completed applications to become a Customer from Owners, Tenants and Occupants and will, upon acceptance of a completed application, direct the Department to provide Utility Service in the name of the Customer to the authorized Service Location under the terms and conditions set forth in these regulations.

(a) Application to Become a Customer

(1) An Owner shall become a Customer as of the date of title transfer established by the record deed or otherwise established by sufficient evidence to show title to the Service Location.

(2) A Tenant or Occupant who wishes to become a Customer must submit:

(A) His or her name and current address, and, when available, a current telephone number. An applicant generally will be required to provide at least one form of personal identification in the form of a United States or State government issued photo identification, i.e. driver's license (any state), PA photo ID, U.S. passport, U.S. passport card, U.S. Permanent Resident Card, U.S. Visa, or U.S. Department of Defense Common Access Card. Other forms of personal identification will be referred to a WRB Supervisor.

(B) Satisfactory evidence of Owner's authorization to reside at the Dwelling Unit by a Tenant or Occupant. Such evidence will usually be in writing, including, for example, a current Rental Agreement or Agreement of Sale for the Dwelling Unit for which the

applicant desires service, a lease, rent book, money order receipts, canceled checks, other utility bills in the applicant's name at that address, rent receipts, or other written evidence of tenancy or written evidence of the Owner's consent to occupancy. Evidence of a prior determination by a court of competent jurisdiction of the existence of a current rental arrangement for the Dwelling Unit between the Owner and the applicant shall be considered conclusive of this issue.

(C) A completed application and affidavit in such form as the WRB shall from time to time deem appropriate wherein the applicant agrees to pay for Utility Service supplied in his or her name and makes certain acknowledgements and certifications consistent with these regulations.

(3) All WRB determinations shall be made in writing upon the application form and a copy given or mailed to the applicant.

(4) Where a person with a household income at or below 250% of the federal poverty level becomes the Owner of a Service Location with an existing delinquent balance, the Department and the WRB will not deprive or refuse the new Owner of Utility Service solely on the basis of that pre-existing delinquent balance, where the Owner becomes or is eligible to become a Customer. The City may lien the property for any delinquent balance.

(5) An USTRA Tenant may apply to become a Customer pursuant to this section. An USTRA Tenant who requests continued service but who does not request to become a Customer may apply for continued service pursuant to Section 100.3 of these regulations.

(b) Eligibility

(1) An Owner, Tenant or Occupant of a Service Location is qualified to become a Customer, UNLESS:

(A) The applicant is the agent of a current or previous delinquent Customer at the Service Location and is attempting on that delinquent Customer's behalf to avoid shut off or restore service previously shut off without payment of that Customer's past due charges for Utility Service or any other miscellaneous charges. Such agency will normally be found to exist where the property that would be receiving Utility Service is or will be occupied by a currently delinquent Customer or where such delinquent Customer would otherwise use or receive the benefit of the Utility Service;

(B) The applicant has not paid or arranged to pay for past due charges for Utility Service for which the applicant is legally responsible at this or another Service Location, including charges for unauthorized usage;

(C) Utility Service to the Service Location is legally off due to nonpayment of prior bills, uncorrected Water Department violation(s) at the Service Location, or a determination that providing Utility Service to the Service Location would endanger life, health, safety or property;

(D) Service to a Service Location cannot be accomplished without revision of the Department's distribution and/or collector facilities or acquisition of additional rights-of-way;

(E) The Tenant or Occupant is a Customer currently receiving service at another Service Location and has a

delinquent bill at the other Service Location; or

(F) The Tenant is applying for Utility Service at a Service Location for which no valid residential rental property license exists.

(2) Upon receipt of the evidence and documents required in Section 100.2(a) of these regulations, the WRB shall determine whether the applicant is a qualifying Owner, Occupant, or Tenant and whether the applicant is eligible to become a Customer.

(3) In determining whether uncorrected Water Department violations exist at a Service Location, the WRB shall request that the Department promptly review its files and provide the WRB with a listing of any violations. The applicant shall be given a written list of any violations and advised that it is his or her responsibility to correct the violations. The applicant may be required to provide a certification from a registered plumber that the corrections have been made before service will be provided. In no case will Utility Service be turned on if the Service Location is found at any time by the Department to be in a condition not suitable to receive water, or in a condition which would create an emergency or dangerous condition to itself or another Service Location or endanger life, health, safety or property.

(c) Additional Conditions

(1) If the Dwelling Unit is already separately metered, a meter reading must be taken before the applicant will be accepted as a Customer. The reading may be taken by the applicant. In such cases, the Customer must provide the meter number and the meter interface unit (MIU)

or encoder receiver transmitter (ERT) number. The WRB reserves the right to require a reading by the WRB or the Water Department before the application will be accepted. In such cases, the WRB will promptly order a meter reading and advise the applicant to facilitate entry of the meter reader into the Dwelling Unit.

(2) If the applicant's Dwelling Unit is presently set up for individual metering but no meter is at the property, a meter must be installed before the applicant will be accepted as a Customer. In such cases, WRB will promptly order from the Water Department the installation of a meter and the applicant must provide entry to Department personnel into the property for this purpose. Meter charges must be paid or scheduled for payment as part of a payment agreement by the applicant before application approval.

(3) If the applicant's Dwelling Unit is not individually metered, the Dwelling Unit must be set up for individual metering by a registered plumber to the Department's satisfaction at the expense of the applicant or the Owner and a water meter must be installed before an applicant will be accepted as a Customer. Meter charges must be paid or must be scheduled for payment as part of a payment agreement before application approval.

(d) Notice to Owner

(1) Upon receipt of a Customer application for Utility Service by a person not the Owner of a Service Location, the WRB shall mail to the Owner at the license address on file with the Department of Licenses and Inspections for the property in which an applicant's Service Location is located, or if no such license address is available, at such other address as the WRB

reasonably believes is the valid current address of the Owner, a notice of the application in such form as the WRB shall from time to time deem appropriate.

(2) The notice shall advise the Owner of the application for and the possible provision of the Utility Service to the Service Location for which the Owner will be responsible for payment if the applicant becomes delinquent. The notice shall afford the Owner ten (10) days from the date of the notice in which to provide the WRB with any comments regarding the applicant's eligibility and to indicate any objection to the application. The notice shall also advise the Owner to notify the WRB immediately if an emergency condition exists which makes the provision of water service a danger to the property or to the safety of others or their property.

(3) Should the Owner fail to object and request an informal hearing prior to such time as the WRB is otherwise prepared to accept the applicant as a Customer, the Owner shall be deemed to have no objection to provision of Utility Service in the applicant's name, and Utility Service will be provided to the applicant, unless the water is currently off and the applicant has no evidence of a current lease or a right to possess the property, as described in Section 100.2(a)(2)(B).

(e) Acceptance of Application

(1) An applicant otherwise eligible shall be entitled to become a Customer for his or her Dwelling Unit only or to have service continued or restored to his or her Dwelling Unit only, upon fulfillment of the above conditions, unless:

(A) Water service is currently on,

the applicant has not presented evidence of a current lease or a right to possess the property, as described in Section 100.2(a)(2)(B), and the Owner expressly objects to the application; or

(B) Water service is currently off, the applicant has not presented evidence of a current lease or a right to possess the property, as described in Section 100.2(a)(2)(B), and the Owner has not given his or her express written consent to the provision of service in the applicant's name.

(2) The WRB may determine in its sole discretion to temporarily continue or restore service to the applicant's Dwelling Unit at no cost to the applicant.

(3) If a Tenant or Occupant is accepted as a Customer, the WRB shall so indicate on the application by signing it and giving or mailing the applicant a copy.

(4) Acceptance of an application from a Tenant or Occupant will not occur until the 10-day notice period to the Owner pursuant to Subsection (d) of this Section has expired. Prior to that time the application of a Tenant or Occupant will be considered as pending.

(f) Turn-on of Utility Service

(1) If Utility Service has been shut off by the Department, the Department will visit the Service Location to turn-on Utility Service for a new Customer at no charge to the applicant where service can be provided by operation of the curb stop.

(2) Where Utility Service can only be provided by means other than the operation of the curb stop, such as restoration of the ferrule, service line or curb-stop to operable condition, such restoration must be made by

a licensed plumber at the expense of the applicant or Owner.

(3) Notwithstanding any other provision of these regulations, where Utility Service has previously been shut off by the Water Department or the WRB for any reason under these regulations or permitted by law, and the WRB has been notified that the Department of Licenses and Inspections has determined the premises to be in dangerous or imminently dangerous condition pursuant to the Building Code, Title 4 of the Philadelphia Code, service will be provided only upon the prior written consent of the Department of Licenses and Inspections.

(g) Rejection of Application

If the applicant is rejected as a Customer, the WRB shall so indicate on the application and give its reasons in writing in the appropriate space on the application. WRB will note any condition that must be met and itemize charges that must be paid in order to obtain service and will provide a description of the process by which the applicant may dispute the WRB determination. A copy of the rejected application shall be promptly mailed or hand-delivered to the applicant.

(h) Revocation of Acceptance

Should the WRB after issuance of a written acceptance of the application, receive a valid objection from an Owner or determine that any of the certifications in the application are materially false or that the applicant may otherwise not be eligible to be a Customer, the WRB may deny, revoke and rescind acceptance of the application. The WRB will give its reasons for revocation in writing on the application. The WRB will note any condition that must be met and itemize any

charge that must be paid in order to obtain service and will provide a description of the process by which the applicant may dispute the WRB determination.

(i) Termination of Customer Relationship

(1) After acceptance by the WRB of an application for Utility Service, Tenants and Occupants who are Customers will remain responsible for paying all future charges for Utility Service to their Dwelling Units until such time as there is:

(A) Revocation of acceptance of the Customer application;

(B) A written request received from the Tenant or Occupant Customer to terminate Customer status;

(C) Acceptance of a subsequent Customer for the Dwelling Unit by the WRB and the taking of a final meter reading; or

(D) Purchase of a discontinuance permit and termination of service at the Owner's request. Responsibility for the stormwater service charge will not terminate upon the issuance of a discontinuance permit.

(2) The WRB will notify Tenants and Occupants who are Customers of termination of their status as Customers in writing by first class mail.

(3) Owners, whether or not they are Customers or occupy the Service Location where Utility Service is being provided, remain responsible for paying water/sewer charges until the issuance of a discontinuance permit, and remain responsible for paying stormwater charges at all times during ownership.

100.3 USTRA Tenant Rights

(a) An USTRA Tenant may apply to the WRB for continued service at any time, UNLESS:

(1) The USTRA Tenant is the agent of a current or previous delinquent Customer at the Service Location and is attempting on the Customer's behalf to avoid shut off or restore service previously terminated without payment of the Customer's past due charges for Utility Service; or

(2) The USTRA Tenant has not paid or arranged to pay delinquent charges for Utility Service arising out of illegal, unauthorized or authorized usage for which he or she is responsible.

(b) Application for Continued Service under USTRA

(1) A person who wishes continued service as an USTRA Tenant must submit:

(A) His or her name and current address;

(B) A completed application and affidavit in such form as the WRB shall from time to time deem appropriate and which provides information necessary to support the applicant's claim of tenancy; and

(C) Satisfactory evidence of Owner's authorization to reside at the Dwelling Unit by a Tenant or Occupant. Such evidence will usually be in writing, including, for example, a current: Rental Agreement or Agreement of Sale for the Dwelling Unit for which the applicant desires service, a lease, rent book, money order receipts, canceled checks, other

utility bills in the applicant's name at that address, rent receipts, or other written evidence of tenancy or written evidence of the Owner's consent to occupancy.

(2) All USTRA Tenant determinations will be made by the WRB in writing upon the application form. If an applicant is entitled to continued service under USTRA, the WRB shall accept the application by signing it and giving or mailing the applicant a copy. The WRB may determine in its sole discretion that in lieu of continuing service under USTRA, the WRB will temporarily continue or restore service at no cost to the USTRA Tenant. If there is a change in ownership of the Service Location, the USTRA Tenant must reapply for continued service under USTRA.

100.4 Shut off of Utility Service

(a) Nothing in this regulation shall modify the Department's right to shut off Utility Service without prior notice to prevent or alleviate an emergency which presents a danger to life, health, safety or property.

(b) In addition to shut offs caused by revocations of acceptance of applications, the WRB may cause the Water Department to shut off Utility Service at a Service Location, after notice has been given and the opportunity for an informal hearing provided, on the following grounds:

(1) ten (10) days after a Customer is delinquent for two billing periods; or

(2) when the Water Department or the WRB is denied access to the Service Location to read or make changes or repairs to the meter.

(c) When the Department shuts off Utility Service to a Service Location, the water and

sewer service charges shall not be charged against the Service Location during the period of any termination beginning with the date of any termination. The Owner shall be responsible for the stormwater service charge at all times and under all circumstances.

(d) The Department will suspend the termination of Utility Service to residential occupied properties for nonpayment of a delinquent bill from December 1st to March 31st of the ensuing year. This suspension does not release any water Customer of the obligation to pay for Utility Service.

(e) Immediate Termination for Unauthorized Use, Fraud or Tampering

(1) The Department may immediately terminate Utility Service without prior notice for unauthorized use of Utility Service delivered on or about the affected Service Location, fraud, material misrepresentation of the Customer's identity for the purposes of obtaining service, or tampering with meters or other Water Department equipment.

(2) Upon termination, the Department shall make a good faith attempt to provide a post-termination notice to the Customer or a responsible adult person or Occupant at the affected Service Location. If providing a post-termination notice to the Customer or responsible adult person at the affected Service Location is not possible, the Department shall conspicuously post the notice at the affected Service Location. In the case of single meter, multiunit Residential Property, the Department shall conspicuously post the notice at the Residential Property, including in common areas when possible.

(3) For purposes of this Subsection the phrase "unauthorized use of service" means the unreasonable interference or

diversion of Utility Service, including tampering (an act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between the City's water supply system and Customer-owned facilities), and unauthorized service restoration.

100.5 Notice of Shut off

(a) Shut off Notice to Residential Customer other than USTRA Landlords

A shut off notice in English and Spanish will be mailed or delivered to a Customer. Translations to other languages will be provided upon request. If the WRB directly bills a Tenant Customer, a duplicate notice will be mailed or delivered to the Owner Customer. The shut off notice to a Customer shall include at least the following information, when applicable, in such form, as the WRB or the Department shall from time to time deem appropriate.

(1) Account number;

(2) Date of notice;

(3) Address of property;

(4) Amount past due;

(5) Date on or after which water service will be shut off;

(6) The available methods for avoiding shut off, including:

(A) tendering sufficient payment to avoid or postpone shut off of water service or otherwise eliminate the grounds for shut off of service;

(B) entering into a payment

agreement before the shut off date;

(C) paying what is past-due on the most recent payment agreement before the shut off date;

(D) enrolling in the City's Water Revenue Assistance Program, if the Authorized User is eligible for the program;

(E) applying to the WRB for continued service under USTRA, if the Authorized User is an USTRA Tenant;

(F) completing such other steps as may be required as specified in a notice issued by the Department; or

(G) requesting an informal hearing within ten (10) days if a dispute exists as to any matter described in Section 100.7(a) of these regulations;

(7) A notice that a timely hearing request will prevent shut off until a final decision is made;

(8) A notice that a hearing request must be made in person or in writing, and must be received within ten (10) days of the date of the notice;

(9) A telephone number to call for further information or explanation; and

(10) The Medical Emergency Procedures for delaying shut off pursuant to Section 100.10 of these Regulations.

(b) Shut off Notice to USTRA Landlords

Shut off notices required to be given to USTRA Landlords pursuant to Section 3 of USTRA, 68 P.S. 399.3 shall contain the

information required by Section 5 of USTRA, 68 P.S. §399.5, in such form as the WRB shall deem appropriate.

(c) Shut off Notices to USTRA Tenants

Shut off notices required to be given to USTRA Tenants pursuant to Section 3 of USTRA, 68 P.S. §399.3, shall contain the information required by Section 6 of USTRA, 68 P.S. §399.6, in such form as the WRB shall deem appropriate.

(d) Subsequent Shut off Notices to USTRA Tenants

Subsequent shut off notices required to be given to USTRA Tenants pursuant to Section 7 of USTRA, 68 P.S. §399.7, shall contain the information required by Section 8 of USTRA, 68 P.S. §399.8

(e) Shut off for Lack of Meter Access

If a Service Location is subject to shut off due to lack of a meter reading or lack of access to the meter, the Department will send or deliver a notice to the Service Location by mail or hand delivery stating that to avoid shut off of service and possible additional charges the Customer must contact the Department and provide access to the meter by the Department. If the Department's records show that the mailing address of the Owner is different from the Service Location address, a duplicate notice will be sent or delivered to the Owner by mail or hand delivery to his or her mailing address.

(f) Service of Notices

In the case of service of notices referred to in this Section which are mailed or delivered to a Customer or Service Location, WRB and