

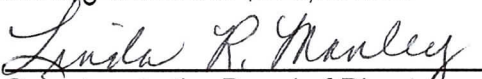
**Presented and Approved: February 4, 2021**  
**SUBJECT: Approval to Execute Additional Funding for Contract No. 16-PR-HCM-28, Delta Dental of the District of Columbia**

**#21-08**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on February 4, 2021 upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to execute additional funding for Contract No. 16-PR-HCM-28, Delta Dental of the District of Columbia.

**Be it resolved that:**

The Board of Directors hereby authorizes the CEO/General Manager to execute additional funding for Contract No. 16-PR-HCM-28, Delta Dental of the District of Columbia. The purpose of the additional funding is to continue providing DC Water employees hired after October 1, 1987 with dental insurance benefits. The additional funding amount is \$573,851.00.

  
Secretary to the Board of Directors

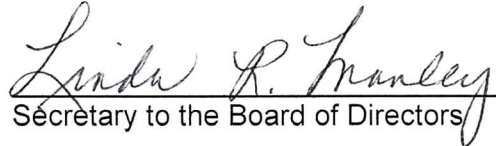
**Presented and Approved: February 4, 2021**  
**SUBJECT: Approval to Execute Additional Funding for Contract No. 19-PR-DPT-31, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.**

**#21-09**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on February 4, 2021 upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to execute additional funding for Contract No. 19-PR-DPT-31, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.

**Be it resolved that:**

The Board of Directors hereby authorizes the CEO/General Manager to execute additional funding for Contract No. 19-PR-DPT-31, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. The purpose of the additional funding is to continue providing comprehensive HMO medical plan coverage to DC Water employees hired October 1, 1987 or later. The additional funding amount is \$5,663,598.

  
Secretary to the Board of Directors

**Presented and Approved: February 4, 2021**  
**SUBJECT: Approval to Execute Additional Funding for Contract No. 16-PR-HCM-26, Cigna Health and Life Insurance Company**

**#21-10**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on February 4, 2021 upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to execute additional funding for Contract No. 16-PR-HCM-26, Cigna Health and Life Insurance Company.

**Be it resolved that:**

The Board of Directors hereby authorizes the CEO/General Manager to execute additional funding for Contract No. 16-PR-HCM-26, Cigna Health and Life Insurance Company. The purpose of the additional funding is to continue providing PPO and HMO benefits to employees hired after October 1, 2987 or after. The additional funding amount is \$7,690,841.75.

  
Secretary to the Board of Directors

**Presented and Adopted: February 4, 2021**  
**Subject: Approval and Adoption of the Second Amendments to the District of Columbia Water and Sewer Authority 401(a) Plan and 457(b) Plan**

**#21-11  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the Authority or DC Water”) at the Board meeting held on February 4, 2021 upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to the Approval and Adoption of the Second Amendments to the District of Columbia Water and Sewer Authority Defined Contribution Plan (the “401(a) Defined Contribution Plan”) and the District of Columbia Water and Sewer Authority 457(b) Plan (“the 457(b) Plan”) for Represented and Non-Represented Employees.

**WHEREAS**, on May 2, 2019, the Board through Resolution #19-24, approved and adopted DC Water’s Amended and Restated 401(a) Defined Contribution Plan and 457(b) Plan; and

**WHEREAS**, on June 4, 2020, the Board approved Resolution #20-43, approved and adopted the first amendments to the 401(a) Defined Contribution Plan: 1) permitting matching contributions with respect to Roth elective deferrals made to the 457(b) Plan; and 2) revising the 401(a) loan repayment methods to include Automated Clearing House (“ACH”) i.e., direct billing and methods permitted by the Administrator and approved and adopted the first amendments to the 457(b) Plan permitting Roth elective deferrals and in-plan designated Roth rollovers, and defining the term “Roth Elective Deferral;” and

**WHEREAS**, the Administrator, Retirement Investment Committee, reviewed the 401(a) Defined Contribution Plan and 457(b) Plan to assess improvements to enrich employee benefits without increasing costs to employees or the Authority; and

**WHEREAS**, on January 13, 2021, the Human Resources and Labor Relations Committee met to consider proposed amendments to DC Water’s 401(a) Defined Contribution Plan and 457(b) Plan; and

**WHEREAS**, on January 13, 2021, the General Manager presented the proposal to amend the 401(a) Defined Contribution Plan as recommended by the Administrator, the



Retirement Investment Committee, to permit all Participants, whether they are or not actively employed by the Authority, to apply for 401(a) plan loans and to clarify certain provisions, effective January 1, 2021; and

**WHEREAS**, on January 13, 2021, the General Manager presented the proposal to amend the 457(b) Plan as recommended by the Administrator, Retirement Investment Committee, to permit employer discretionary contributions, effective January 1, 2021; and

**WHEREAS**, on January 13, 2021, upon further discussion and consideration, the Human Resources and Labor Relations Committee, recommended Board approval of the proposed amendments to DC Water's 401(a) Defined Contribution Plan and 457(b) Plan, effective January 1, 2021; and

**WHEREAS**, on February 4, 2021, upon consideration of the proposed amendments and the recommendation of the Human Resources and Labor Relations Committee, the Board determined that the amendments to the 401(a) Defined Contribution Plan and 457(b) Plan shall be approved.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board approves and adopts the Second Amended District of Columbia Water and Sewer Authority Amended and Restated 401(a) Defined Contribution Plan and 457(b) Plan, effective January 1, 2021.
2. The Board authorizes the General Manager to take all actions necessary to execute Amendment No. 2 to the 401(a) Defined Contribution Plan and Amendment No. 2 to the 457(b) Plan as provided in Attachment A and B, effective as provided therein.
3. The General Manager is hereby authorized and directed to execute the amendment to each of the 401(a) Plan and 457(b) Plan and to take such further actions and to execute such further documents as they may deem advisable or desirable for purposes of adopting and implementing the amendments and announcing the amendments to affected parties.
4. Actions taken by the General Manager in conformance with and furtherance of this Resolution shall be and are ratified, confirmed, approved and adopted in all respects.
5. This resolution is effective immediately.

  
Secretary to the Board of Directors

**ATTACHMENT A**  
**AMENDMENT NO. 2**  
**TO THE**  
**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**  
**DEFINED CONTRIBUTION PLAN**

On February 4, 2021, the District of Columbia Water and Sewer Authority Board of Directors approved Resolution #21-11 adopting revisions to the District of Columbia Water and Sewer Authority Defined Contribution Plan (the "401(a) Plan"), as amended and restated effective July 1, 2017. Pursuant to the powers of amendment reserved under Section 8.1 of the 401(a) Plan, the 401(a) Plan shall be and is amended by the District of Columbia Water and Sewer Authority (the "Authority") as follows, effective as of January 1, 2021:

1. The first sentence of the second paragraph of Section 10.1 is amended in its entirety to read as follows:

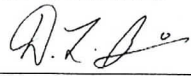
"Participants (whether they are or not actively employed by the Authority and whether they are or not on an Authorized Leave of Absence) may make written application to the Loan Administrator for a loan."

2. The third sentence of Section 10.7 is amended in its entirety to read as follows:

"Subject to applicable provisions of law, each loan shall be further supported by the Participant's execution of an agreement, in a form specified by the Loan Administrator, to repay the loan in any manner permitted by Section 10.8 over a term and in a manner specified by the Loan Administrator."

The District of Columbia Water and Sewer Authority has caused this Amendment to be executed by a duly authorized officer on this 4<sup>th</sup> day of February, 2021.

**DISTRICT OF COLUMBIA WATER AND  
SEWER AUTHORITY**

By: 

Print Name: David L. Gadis

Title: CEO and General Manager

**ATTACHMENT B**  
**AMENDMENT NO. 2**  
**TO THE**  
**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY 457(b) PLAN**

On February 4, 2021, the District of Columbia Water and Sewer Authority Board of Directors approved Resolution #21-11 adopting revisions to the District of Columbia Water and Sewer Authority 457(b) Plan (the "457(b) Plan"), as amended and restated effective January 1, 2019. Pursuant to the powers of amendment reserved under Section 10.1 of the 457(b) Plan, the 457(b) Plan shall be and is amended by the District of Columbia Water and Sewer Authority as follows, effective January 1, 2021:

1. The following sentence is added to the end of Section 1.2: "The Plan also allows for the possibility of Employer discretionary contributions to be made to the Plan on behalf of eligible Employees."
2. The following terms are added to Section 2.1, in the appropriate alphabetical locations:

"ACCOUNT" means the amount held under the Plan for the account of a Participant, and shall equal the sum as to each Participant of the Participant's Deferral Account, Rollover Contribution Account, Roth Elective Deferral Account and Employer Contribution Account, including any earnings, losses and/or allocable expenses allocated thereto."

"EMPLOYER CONTRIBUTION ACCOUNT" means the account established and maintained on behalf of a Participant to which any Employer Contributions are made, to which any earnings, losses and/or allocable expenses thereon are allocated."

"EMPLOYER CONTRIBUTIONS" means the amount of Employer discretionary contributions, if any, that the Employer determines to credit under the Plan on behalf of any given Participant."

3. The following language is added to the end of Section 3.1:

"Notwithstanding the preceding, participation in the Employer Contribution portion of the Plan, if and to the extent it is activated by the Employer, is automatic. Further notwithstanding anything herein to the contrary, Eligible Employees not otherwise enrolled in the Plan through submission of a completed Participation Agreement to the Administrator shall automatically become enrolled in and become Participants under the Plan if and when they are credited with an Employer Contribution pursuant to Section 4.10."

4. Section 4.10 is amended in its entirety to read as follows:

"4.10 EMPLOYER CONTRIBUTIONS. The Employer shall have the option, but not



the obligation, to contribute, on behalf of any Participant, an Employer Contribution, the amount of which the Employer shall determine, in the Employer's sole and absolute discretion. Any Employer Contribution made on behalf of a Participant shall be allocated to the Participant's Employer Contribution Account. Employer Contributions, if any, shall be subject to the limits of Section 4.2. Employer Contributions, and any earnings thereon, be fully vested at all times."

5. A new Section 4.11 is added to the Plan to read as follows:

"4.11 EXCESS DEFERRALS.

(a) Return of Excess Deferrals. Except as provided in (b), below, in accordance with any guidance issued by the Internal Revenue Service, any amount deferred by a Participant in any taxable year under Section 4.1 and/or any Employer Contributions made on behalf of a Participant under Section 4.10 which causes the limits described in Section 4.2 to be exceeded shall be distributed to the Participant (or, in the case of Employer Contributions, returned to the Employer), with allocable net income, as soon as administratively practicable after the Administrator determines that the limits described in Section 4.2 have been exceeded. Excess deferrals shall be returned before addressing any excess Employer Contributions.

(b) Excess Deferrals Arising From Application of the Individual Limitation. Notwithstanding (a), above, Participant Deferrals to the Plan which cause the limits described in Section 4.2 to be exceeded as a result of the Participant's participation in plans other than eligible Code section 457(b) plans maintained by the Employer may, but are not required to be, returned to the Participant, with allocable net income, as soon as administratively practicable after the Administrator determines that the limits described in Section 4.2 have been exceeded."

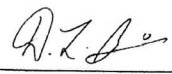
6. Section 5.5, item (ii) is amended in its entirety to read as follows: "(ii) the Participant has not, during the two (2) year period ending on the date of the distribution under this Section, had any contributions credited on his or her behalf to his or her Plan Account maintained under the Plan, and"

7. The first sentence of Section 8.3 is amended in its entirety to read as follows: "The Authority shall establish and maintain a Plan Account on behalf of each Participant, which shall consist of the Participant's Deferral Account, Rollover Account, Roth Elective Deferral Account and Employer Contribution Account and any other functional subaccount which the Administrator elects to establish."



The District of Columbia Water and Sewer Authority has caused this Amendment to be executed by a duly authorized officer on this 7<sup>th</sup> day of February, 2021.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

By: 

Print Name: David L. Gadis

Title: CEO and General Manager


**Presented and Approved: February 4, 2021**  
**SUBJECT: Approval to Execute Supplemental Agreement No. 19 of**  
**Contract No. DCFA #431, Samaha Associates, PC.**

**#21-12**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the Authority”) at its meeting on February 4, 2021 upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to execute Supplemental Agreement No. 19 of Contract No. DCFA #431, Samaha Associates, PC.

**Be it resolved that:**

The Board of Directors hereby authorizes the CEO/General Manager to execute Supplemental Agreement No. 19 of Contract No. DCFA #431, Samaha Associates, PC. The purpose of the supplemental agreement is to provide additional work to close out Headquarters punch list, to provide design services to add lighting and guard booth to wall/fence and entrance east of Pump Station and additional services related to unsuitable soil, fill and stabilization bridge design to foundation for new Fleet Facility. The supplemental agreement amount is \$219,000.

  
Secretary to the Board of Directors

**Presented and Approved: February 4, 2021**


**SUBJECT: Approval to Execute Contract No. DCFA #504, McKissack & McKissack of Washington, Inc.**

**#21-13  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on February 4, 2021 upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to execute Contract No. DCFA #504, McKissack & McKissack of Washington, Inc.

**Be it resolved that:**

The Board of Directors hereby authorizes the CEO/General Manager to execute Contract No. DCFA #504, McKissack & McKissack of Washington, Inc. The purpose of the contract is to provide professional engineering and related services under the proposed agreement pertaining to the execution of the non process facilities CIP. The contract amount is \$3,000,000.

  
Secretary to the Board of Directors

**Presented and Adopted: February 4, 2021**

**SUBJECT: Approval to Publish Notice of Emergency and Proposed Rulemaking to Establish the Customer Assistance Program - DC Water Cares Multifamily Assistance Program for Low Income Multifamily Tenants**

**#21-14  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“DC Water”) at the Board meeting held on February 4, 2021 upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed, to approve the following action with respect to the proposal to establish the Customer Assistance Program - DC Water Cares Multifamily Assistance Program for Low-Income Multifamily Tenants.

**WHEREAS**, on September 3, 2020, the Board, through Resolution #20-65, approved the allocation of \$7 million of the \$15 Million Fiscal Year 2020 cash surplus to establish a new program to provide one-time assistance to multi-family buildings where occupants have been negatively impacted by COVID and payment plans are established and adhered with the assistance determined and provided per affordable unit, and will be on a matching basis; and

**WHEREAS**, on January 6, 2021, the DC Retail Water and Sewer Rates Committee met to consider amending the Customer Assistance Programs to establish a “DC Water Cares: Multifamily Assistance Program for Low-Income Multifamily Tenants”; and

**WHEREAS**, on January 26, 2021, the General Manager presented the proposed new “DC Water Cares: Multifamily Assistance Program for Low-Income Multifamily Tenants,” to provide Multifamily Assistance Program (MAP) credits up to \$2,000 per eligible low-income tenant unit, provided the participating Multi-family Customer complies with the terms and conditions for the program, including providing 90% of the credits to the tenants rental account, execute a payment plan for any remaining outstanding balance and other requirements; and

**WHEREAS**, Multi-family Customers may participate in the program if their property is not owned by the District of Columbia or Federal Government, not receiving federal assistance to pay for water and sewer services, have one or more eligible tenant, and complete and submit a DC Water Cares: Multifamily Assistance Program Terms and Conditions Application; and



**WHEREAS**, multifamily tenants are eligible to receive assistance if they reside in an affordable housing unit or have an annual household income is equal to or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia, not capped by the United States median low-income limit; and

**WHEREAS**, multifamily tenants are categorically eligible if they: 1) receive assistance for public benefits programs, including, but not limited to, the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), or medical assistance programs, through Medicaid, Alliance and DC Healthy Families programs as determined by the District of Columbia Department of Human Services, 2) receive Low-Income Energy Assistance Program (LIHEAP) or Utility Discount Program (UDP) assistance as determined by District Department of Energy and Environment; or apply for assistance and their household income is equal or below 80% AMI as determined by DOEE; and

**WHEREAS**, the “DC Water Cares: Multifamily Assistance Program for Low-Income Multifamily Tenants” shall terminate at the end of Fiscal Year 2021, but may continue upon Board approval; and

**WHEREAS**, on January 26, 2021, the General Manager recommended the immediate implementation of this MAP program because the economic impacts due to COVID-19 are becoming more acute, causing an increase in the number of Multi-family Customers in arrears, which this program will address; and

**WHEREAS**, on January 26, 2021, DC Retail Water and Sewer Retail Rates Committee, after having evaluated the “DC Water Cares: Multifamily Assistance Program for Low-Income Multifamily Tenants”, program design, participation estimates, process and procedures, and the recommendation of the General Manager, recommended that the Board approve the publication of the Notice of Emergency and Proposed Rulemaking for immediate implementation and public comment.

**WHEREAS**, after consideration of the recommendations of the DC Retail Water and Sewer Rates Committee and the recommendation of the General Manager, the District members of the Board of Directors, upon further consideration and discussion, agreed to approve for publication the Notice of Emergency and Proposed Rulemaking for the amendments to the Customer Assistance Program regulations to establish the rules for “DC Water Cares: Multifamily Assistance Program for Low-Income Multifamily Tenants”, as proposed by the General Manager.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board hereby adopts and approves the publication of the Notice of Emergency and Proposed Rulemaking to amend 21 DCMR 4102 Customer Assistance Program as recommended by the DC Retail Water and Sewer Rates Comments

and the General Manager to establish the “DC Water Cares: Multifamily Assistance Program for Low -Income Multifamily Tenants”, effective for 120 days.

2. The General Manager shall amend the Customer Assistance Programs regulations as provided in Attachment A.
3. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required, to initiate the public comment process and shall publish the Notice of the Emergency and Proposed Rulemaking and Notice of Public Hearing in accordance with the District of Columbia Administrative Procedure Act and implementing rules.
4. This resolution is effective immediately.

  
Secretary to the Board of Directors

Attachment A

Title 21, DCMR Chapter 4, is amended by adding a new subsection 21 DCMR 4102.10 to read as follows:

**4102.10 DC WATER CARES: MULTIFAMILY ASSISTANCE PROGRAM (MAP)**

- (a) The DC Water Cares: Multifamily Assistance Program (MAP) provides up to two thousand (\$2,000) of emergency relief to eligible tenant(s) residing in a participating Multi-family Customer's premises.
- (b) For purposes of this subsection, Non-Residential Customers whose premises has four or more dwelling units, are deemed Multi-family Customers and eligible to participate in the MAP program.
- (c) Multi-family Customers and their tenants may participate in MAP by complying with the requirements in this subsection.
- (d) To participate in the MAP, a Multi-family Customer shall:
  - (1) Maintain an active DC Water account and be responsible for paying for water and sewer services at a Multi-family Customer's property that is:
    - (a) Not owned or operated by the District of Columbia or the Federal Government; or
    - (b) Not currently receiving federal assistance to pay for water and sewer services, including, but not limited to District or federally funded COVID-19 rental assistance.
  - (2) Have one or more eligible tenant(s) in an active lease or rental agreement to reside in their premises;
  - (3) Complete and submit a DC Water Cares: Multifamily Assistance Program Terms and Conditions Application and comply with DC Water requests for information and access to the premises as necessary to determine compliance with the MAP requirements;
  - (4) Upon receipt of MAP Credits, apply ninety percent (90%) of the MAP Credits to the DC Water approved eligible tenant's rental account within thirty (30) days of receipt of the MAP Credit;



- (5) Notify the tenant in writing that the credits were applied to their rental account within thirty (30) days of the date of the Statement of Credits from DC Water;
  - (6) Enter a payment plan agreement with DC Water for any remaining arrears outstanding on the DC Water account within 60 days of receipt of the first MAP Credits;
  - (7) Notify DC Water within thirty (30) days of any change in ownership or the eligible tenant's tenancy.
- (e) To be eligible to participate in the MAP, a tenant shall:
- (1) Be named on the lease or rental agreement in a Multi-family Customer's property that is master metered and approved to participate in the MAP;
  - (2) Reside in an Affordable Housing Unit, provided the tenant does not notify DC Water to be excluded from receiving MAP assistance within ten (10) days of receipt of notice of eligibility from DC Water; or
  - (3) Meet the annual household income limits equal to or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia, not capped by the United States median low-income limit as follows:
    - (a) Tenant submits a Customer Assistance Program Application to the District of Columbia Department of Energy and Environment (DOEE) and DOEE determines that the applicant meets the annual household income requirements;
    - (b) Tenant that is eligible to receive Low-Income Energy Assistance Program (LIHEAP) or Utility Discount Program (UDP) assistance as determined by DOEE shall be categorically eligible to participate in the MAP, provided they do not notify DC Water to be excluded from participating within ten (10) days of receipt of the notice of eligibility from DC Water;
    - (c) Tenant that is eligible to receive assistance for public benefits programs, including, but not limited to, the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), or medical assistance programs, through Medicaid,



Alliance and DC Healthy Families programs as determined by the District of Columbia Department of Human Services, shall be categorically eligible to participate in the MAP, provided they notify DC Water that they agree to participate in MAP within ten (10) days of receipt of the notice of eligibility, but not later than September 21, 2021.

- (4) Tenant is not eligible to receive MAP assistance if they:
  - i. Reside in a dwelling unit that is 100% subsidized; or
  - ii. Receive emergency rental assistance for water and sewer charges.
  
- (f) DC Water shall apply up to two thousand dollars (\$2,000) in MAP Credits per eligible tenant unit during Fiscal Year 2021 on an approved Multi-family Customer's DC Water account that has one or more eligible tenant(s) as follows:
  - (1) The MAP Credits provided per eligible unit shall be calculated based on the greater of A. or B. divided by the total number of dwelling units in the premises:
    - A. The average of the Multi-family Customer's DC Water charges billed from April 1, 2020 to December 31, 2020 subtracting any amount of water and sewer charges applicable to any retail/commercial units and that result is multiplied by three (3); or
    - B. Total amount of the outstanding balance on the Multi-family Customer's DC Water account as of December 31, 2020 subtracting any water and sewer charges applicable to any retail/commercial units.
  
  - (2) DC Water shall revoke the amount of the MAP Credits applied to a Multi-family Customer's DC Water account and charge the customer's account the full amount of the MAP Credits, if one or more of the following violations is not corrected within 10 days of the date of the notice of violation from DC Water:
    - (a) Failure to comply with the MAP Terms and Conditions;
    - (b) Failure to enter into a payment plan agreement within sixty (60) days of the receipt of the first MAP Credits to establish a payment schedule for any remaining outstanding charges;

- (c) Failure to apply the MAP Credits to the tenant's rental account within thirty (30) days of receipt of the MAP Credits; or
  - (d) Multi-family Customer or tenant commits fraud or makes false statements in connection with the MAP.
- (g) Multi-family Customer that receives MAP Credits on their DC Water account shall:
  - (1) Apply ninety percent (90%) of the total MAP Credit for the approved tenant on their rental account within thirty (30) days of the date of Statement of Credits from DC Water;
  - (2) Notify the approved tenant, in a rental statement or separate writing, that the credit has been applied to their rental account within thirty (30) days of the date of Statement of Credits from DC Water;
  - (3) Notify DC Water within thirty (30) days of any change in ownership if the MAP Credits have not been applied to the Multifamily Customer's DC Water account;
  - (4) Notify DC Water within thirty (30) days of any change in the tenant's tenancy if the MAP Credits have not been applied to the tenant's rental account;
  - (5) Provide the tenant any MAP Credits remaining in their tenant account if the tenant terminates their tenancy;
  - (6) Provide, upon DC Water's request, documentation confirming that the MAP Credits have been applied to the tenant's rental account;
  - (7) Provide DC Water access to the premises and records to conduct an audit to determine compliance with these regulations and the MAP Terms and Conditions;
  - (8) Maintain all documents related to the MAP Terms and Conditions Application, receipt and handling of MAP Credits, and notices to approved tenant(s).
- (h) The DC Water Cares MAP shall continue in Fiscal Year 2022 if authorized by the DC Water Board.
- (i) To continue receiving MAP Credits in Fiscal Year 2022 without interruptions, the Multifamily Customer must submit a renewal DC Water Cares: Multifamily

Assistance Program Terms and Conditions Application to DC Water in accordance within the renewal deadline. A Multifamily Customer that submits their renewal DC Water Cares: Multifamily Assistance Program Terms and Condition Application after this period, and is subsequently approved by DC Water, will receive benefits as of the date of receipt of the Application.

- (j) If DC Water determines that budgeted funds are insufficient to provide DC Water Cares MAP Credits, DC Water may:
  - (1) Suspend the process for accepting DC Water Cares MAP applications; or
  - (2) Suspend or adjust providing DC Water Cares MAP Credits to eligible Multifamily Customer's DC Water account.

**Presented and Adopted: February 4, 2021**

**SUBJECT: Approval to Publish Notice of Final Rulemaking to Establish the Customer Assistance Program - DC Water Cares Emergency Relief Program for Low-Income Customers**

**#21-15  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“DC Water”) at the Board meeting held on February 4, 2021 upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed, to approve the following action with respect to the final proposal to establish the Customer Assistance Program - DC Water Cares Emergency Relief Program for Low-Income Residential Customers.

**WHEREAS**, on September 3, 2020, the Board, through Resolution #20-65, approved the allocation of \$3 million to continue the District’s Emergency Residential Program in FY 2021 to provide one-time assistance up to \$2,000 to residential customer’s economically impacted by COVID-19; and

**WHEREAS**, on November 5, 2020, the Board, through Resolution #20-82, approved the publication of the Notice of Emergency and Proposed Rulemaking (NOEPR) amending the Customer Assistance Program regulations and establish the rules for the “DC Water Cares – Emergency Relief Program for Low-Income Residential Customers” for immediate implementation, which would expire within 120 days on March 5, 2021 unless a Notice of Final Rulemaking is published; and

**WHEREAS**, on November 5, 2020, the Board, through Resolution #20-82, approved the publication of the Notice of Public Hearing to hold a virtual public hearing on January 13, 2021 to receive comments on the NOEPR; and

**WHEREAS**, on November 20, 2020, DC Water published the Notice of Emergency and Proposed Rulemaking, at 67 DCR 13809, and Notice of Public Hearing, at 67 DCR 13593 to receive public comments on the rulemaking by January 18, 2021; and

**WHEREAS**, on January 13, 2021, Board of Directors held a virtual Public Hearing to receive oral and written comments on the NOEPR for the “DC Water Cares – Emergency Relief Program for Low-Income Residential Customers”; and

**WHEREAS**, on January 26, 2021, the DC Retail Water and Sewer Rates Committee met



to consider the final proposed amendments to the Customer Assistance Program regulations to establish the rules for the “DC Water Cares – Emergency Relief Program for Low-Income Residential Customers”, the comments received during the public comments period and during the virtual Public Hearing held on January 13, 2021, and the recommendation of the General Manager on the final proposal to establish the “DC Water Cares – Emergency Relief Program for Low-Income Residential Customers”; and

**WHEREAS**, on January 26, 2021, the DC Retail Water and Sewer Committee, after having evaluated the design, process and procedures and customer and Grass Roots Community outreach plans, the comments received during the public comment period, and the recommendation of the General Manager, recommended that the Board take final action to adopt for final rulemaking the amendments to the Customer Assistance Program regulations to establish the rules for the “DC Water Cares – Emergency Relief Program for Low-Income Residential Customers”; and

**WHEREAS**, after consideration of the recommendations of the DC Retail Water and Sewer Rates Committee and the recommendation of the General Manager, the District members of the Board of Directors, upon further consideration and discussion, agreed to approve for final rulemaking and adoption the amendments to the Customer Assistance Program regulations to establish the rules for the “DC Water Cares – Emergency Relief Program for Low-Income Residential Customers”, as proposed by the General Manager.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board hereby adopts and approves the publication of the Notice of Final Rulemaking to amend 21 DCMR 4102 Customer Assistance Program as recommended by the DC Retail Water and Sewer Rates Committee and the General Manager to establish the “DC Water Cares – Emergency Relief Program for Low-Income Residential Customers” that will terminate on September 30, 2021 unless approved to continue in FY 2022.
2. The General Manager shall amend the Customer Assistance Programs regulations as provided in Attachment A.
3. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required, to publish the Notice of Final Rulemaking in accordance with the District of Columbia Administrative Procedure Act and implementing rules.
3. This resolution is effective immediately.

  
Secretary to the Board of Directors

## Attachment A

Title 21, DCMR Chapter 4, is amended by adding a new subsection 21 DCMR 4102.9 to read as follows:

### **4102.9 DC WATER CARES EMERGENCY RELIEF PROGRAM FOR LOW-INCOME RESIDENTIAL CUSTOMERS**

- (a) Participation in the DC Water Cares Emergency Relief Program (DC Water Cares) shall be limited to a single-family or individually metered low-income Residential Customer that meets the following eligibility requirements:
  - (1) The applicant maintains an active DC Water account and is responsible for paying for water and sewer services; and
  - (2) DOEE has determined that the applicant's annual household income is equal to or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia, not capped by the United States median low-income limit
- (b) An approved customer shall receive the following benefits:
  - (1) Credit of one hundred percent (100%) off of the past due water and sewer bill balance; and
  - (2) The total amount of credits provides shall not exceed Two Thousand dollars during Fiscal Year 2021;
- (c) Upon DC Water's receipt of notice from DOEE that the applicant meets the financial eligibility requirements, DC Water shall provide the credits to the customer's account from the date that DOEE accepts a completed application and for future qualifying events that may lead to collection activities to the end of the fiscal year in which the application was submitted.
- (d) The DC Water Cares program shall terminate on September 30, 2021, but may continue in Fiscal Year 2022 if authorized by the DC Water Board of Directors.
- (e) To continue receiving DC Water Cares benefits in Fiscal Year 2022 without interruptions, the customer must submit a renewal CAP or CAP2 application to DOEE in accordance with the Utility Discount Program renewal deadline. A customer that submits their renewal CAP or CAP2 application after this period, and is subsequently approved by DOEE, will receive benefits as of the date of the application.

- (f) If DC Water determines that the remaining budgeted funds are insufficient to provide DC Water Cares benefits, DC Water may:
  - (1) Suspend the process for accepting DC Water Cares applicants; or
  - (2) Suspend or adjust providing DC Water Cares benefits to eligible recipients.



**Presented and Approved: February 4, 2021**  
**SUBJECT: Approval of Expanded Backwater Valve Reimbursement**  
**Program for Areas Impacted by September 10, 2020 Storm**

**#21-16**

**RESOLUTION OF THE**  
**BOARD OF DIRECTORS OF THE**  
**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority" or "DC Water") at the Board meeting held on February 4, 2021, upon consideration of a non-joint use matter decided by a vote of six (6) in favor and none (0) opposed, to approve the following action with respect to Expanded Backwater Valve ("BWV") Reimbursement Program for areas impacted by September 10, 2020 storm.

**WHEREAS**, on September 6, 2012, the Board, through Resolution #12-85, authorized \$2 Million to implement DC Water's Action Plan that included providing rebate assistance for the installation of backwater valve (BWV) on the sewer lines of affected properties in the Bloomingdale and LeDroit Park Neighborhoods that were impacted by four flooding events during the summer of 2012, resulting in sewer surcharges that caused reverse flow into basements; and

**WHEREAS**, on September 10, 2020, the District of Columbia experienced a 100-year storm over a 5-minute period and a 10-25 year storm over a 4-hour period, exceeding the Hurricane Isaias and Laura wet weather events that occurred on July 30-August 4, 2020 and August 28-29, 2020, respectively, that caused excessive overland flooding and sewer surcharges resulting in reverse sewage flow into basements in separate sewer areas of the District; and

**WHEREAS**, on September 16, 2020, due to the severity of the impacts, the General Manager agreed to expand the BWV reimbursement program to customers impacted by the September 10, 2020 storm, including, but not limited to, areas in and around Nicholson Street, NE, providing rebate assistance to affected property owners up to \$6,000 per customer to install backwater valves on sewer lines where an analysis determines that the presence of a correctly installed and maintained backwater valve would have mitigated the sewer backup impacts; and

**WHEREAS**, on January 26, 2021, the DC Retail Water and Sewer Rates Committee met to consider the General Manager's proposal to implement the expanded BWV reimbursement program to provide assistance to customers impacted by the September 10, 2020 wet weather event; and

**WHEREAS**, on January 26, 2021, the General Manager presented the location, frequency, and intensity of the storm event, areas impacted, and criteria for eligibility, implementation process and procedures, and requirements for reimbursement to provide assistance for up to approximately 250 BWVs at a cost of \$1.5 Million for FY 2021-2023; and



**WHEREAS**, on January 26, 2021, the DC Retail Water and Sewer Committee, after having evaluated the design, process and procedures for the expanded BWV reimbursement program, and the recommendation of the General Manager, recommended that the Board approve the expanded BWV reimbursement program; and

**WHEREAS**, after consideration of the recommendations of the DC Retail Water and Sewer Rates Committee and the recommendation of the General Manager, the District members of the Board of Directors, upon further consideration and discussion, agreed to approve the expanded BWV reimbursement program as proposed by the General Manager.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board hereby authorizes the General Manager to expand the Backwater Valve reimbursement program to properties as proposed by the General Manager to mitigated sewage backups related to September 10, 2020 storm to prevent future sewer backup damage from similar future wet weather events.
2. The General Manager is authorized to expend up to \$1.5 Million through FY 2023 to implement the expanded BWV reimbursement program.
3. The General Manager shall engage with District of Columbia Department of Consumer and Regulatory Affairs to recommend enforcement and applicability enhancements related to backwater valve requirement in the next update to the District's Plumbing Code.
4. This resolution is effective immediately.

  
Secretary to the Board of Directors