



## City of Philadelphia

LAW DEPARTMENT  
Water Division  
1101 Market Street  
5<sup>th</sup> Floor  
Philadelphia, PA 19107

# MEMORANDUM

**TO:** Debra McCarty, Commissioner  
Melissa LaBuda, Deputy Commissioner  
Philadelphia Water Department

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

**DATE:** April 4, 2016

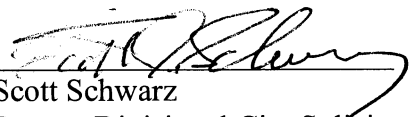
**SUBJECT:** AMENDMENT TO PHILADELPHIA WATER DEPARTMENT  
REGULATIONS

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DEPARTMENT OF RECORDS  
2016 APR -4 PM 4:06

I have reviewed the attached Amendments to Chapter 2 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 2 ASSISTANCE PROGRAMS

### 200.0 HOMEOWNER EMERGENCY LOAN PROGRAM

#### 200.1 Purpose

The Homeowner's Emergency Loan Program (HELP) loan is an interest free, installment payment loan for water service line, water supply line, curb trap, main drain and/or sewer lateral repair or replacement, administered by the City of Philadelphia Water Department (the "Department" or "PWD"). An approved applicant enters into an agreement ("Agreement") with the Department, committing to repay the total costs of the work to the City of Philadelphia.

#### 200.2 Eligibility

Eligibility is subject to the availability of funds allocated for this program and such other criteria that the Department in its discretion determines appropriate for the replacement of Lead Service Lines based on the risk of exposure to lead in drinking water and plumbing conditions. To be eligible for the program, all of the following conditions must be met:

(a) Applicant is the property owner(s) of record; and

~~(b) Applicant resides on the property; and~~

~~(eb)~~ The property does not contain more than four (4) units; and

~~(dc)~~ The property is a Residential Property, or if mixed commercial/residential, the property is primarily residential; and

~~(ed)~~ The property is either:

(1) is in need of an emergency water service line, water supply line, curb trap,

main drain and/or sewer lateral repair or replacement as evidenced by a Notice of Defect and/or Notice of Violation issued by the City; provided that if, in the process of correcting a drainage system defect another drainage system defect is discovered and verified by the Department, or, if, in the process of correcting a water system defect another water system defect is discovered and verified by the Department, then an additional Notice of Defect will not be necessary to increase the loan to cover those additional repairs;

and/or

(2) receives water service through an operable Lead Service Line, as defined in Section 205.1 of these regulations; and the property owner elects to replace the Lead Service Line; and

~~(fe)~~ Applicant is not delinquent by more than two (2) billing cycles on his/her water/sewer/stormwater bill for the subject property, or for any other property owned by applicant in the City of Philadelphia, except as may be covered by a current payment agreement with the Water Revenue Bureau or its agent(s); and

~~(gf)~~ The property is served by an operable water meter; and

~~(hg)~~ Applicant shall consent to the placement of a lien on the property for the amount of the total cost of the work.

#### 200.3 Loan Amounts and Payment Responsibilities

(a) Applicant shall enter into the currently standard HELP Agreement.

(b) The loan amount shall be determined by the Department, based upon the total costs of the work.

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## Proposed Amendments to Current Regulation

- (c) The property owner shall repay the loan amount to the Department in sixty (60) equal monthly installments.

### 200.4 Delinquencies

- (a) If the property owner fails to make two (2) consecutive timely payments, property owner shall be in default of the Agreement, and the outstanding balance shall become immediately due and owing without further notice. Upon default, interest at the rate charged for water/sewer/stormwater bills arrearages, a penalty fee of five percent of the total loan amount, and the cost of filing the lien will be added to the outstanding balance and as part of the lien. Should the property owner subsequently satisfy the missed payments, interest shall continue to accrue for the remaining term of the loan.

- (b) Delinquencies are not subject to Section 100.9 of these Regulations.

### 200.5 Application Process

An eligible property owner must take the following actions in order to be eligible for a HELP loan:

- (a) Complete and return the HELP loan Application that includes, at a minimum, the Applicant's current phone number and address ~~social security number~~.
- (b) Allow timely access to the City and/or its contractors for the purposes of inspecting the property and making the corrective repairs.

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203.0 [Reserved]

### **203.0 STORMWATER- ASSISTANCE PHASE-IN**

## **PROGRAM (SWAPP)**

### **203.1 Purpose and Policy**

~~The purpose of the Stormwater Assistance Phase in Program (SWAPP) is to provide temporary payment assistance to nonresidential properties that have been highly impacted by the Department's Stormwater Management Service Charges.~~

~~On July 1, 2011 stormwater charges will move from a 25% parcel based charge to a 50% parcel based charge. For some customers this would result in a doubling (a 100% increase) of their current stormwater charges. Other customers, though not seeing a 100% increase, will still be highly impacted. These regulations reduce such increases to highly impacted properties in Fiscal Years 2012 and 2013 (July 1, 2011 to June 30, 2013). Eligible highly impacted properties that apply for assistance shall have their monthly Stormwater Management Service Charges limited to a 10.00% (ten percent) increase in Fiscal Year 2012 and another 10.00% (ten percent) increase in Fiscal Year 2013.~~

~~It is the Department's intention to more fully address these highly impacted non residential properties during its next rate proceeding. Once the next rate proceeding establishes new rates the SWAPP will terminate.~~

### **203.2 Eligibility**

~~In order to be eligible for the SWAPP, the property must meet all of the following criteria:~~

- ~~(a) The property must be non-residential property as defined in Section 300.0(j); and~~

- ~~(b) The property is not owned by the City of Philadelphia or any other City related or quasi City Agency or any other State or~~

## Proposed Amendments to Current Regulation

Federal Agency; and

(c) The property must be deemed highly impacted by the Department's Stormwater Management Service Charges. For a property to be deemed highly impacted it must meet both criteria in (i) and (ii) immediately below:

(i) During Fiscal Year 2012, (starting on July 1, 2011 to June 30, 2012), the property's monthly stormwater bill will increase by more than 10.00% (ten percent) above the Fiscal Year 2011 (July 1, 2010 to June 30, 2011) monthly stormwater bill, and

(ii) The dollar amount of the monthly stormwater bill increase, from Fiscal Year 2011 to Fiscal Year 2012, will exceed \$100 (One Hundred Dollars and Zero Cents)

(d) In calculating whether the monthly increase has exceeded the 10.00% threshold, all increases shall be calculated after any available credits, discounts or other adjustments to the property's monthly stormwater management bill have been applied; and

(e) The property's bill payments must be current and in good standing with all water, sewer and stormwater fees, as well as all City of Philadelphia taxes and fees related to the parcel, and must continuously remain so in order to continue its eligibility for SWAPP; and

(f) The property owner must submit a SWAPP application form and must provide any additional information requested by the Department related to its eligibility for SWAPP.

### 203.3 Duration

SWAPP shall be in place during Fiscal Years 2012 and 2013 (July 1, 2011

through June 30, 2013) and shall terminate on July 1, 2013. SWAPP may terminate earlier than the July 1, 2013 date if any one of the following conditions occur:

(a) A new stormwater rate determination regulation has been enacted prior to July 1, 2013; or

(b) Funding for the program has been exhausted.

### 203.4 Funding

The total amount of available funding for SWAPP shall be as follows:

FY 2012—\$ 6,500,000

FY 2013—\$13,000,000

These funding amounts shall be available to eligible properties that file an application on a first come, first serve basis. Once the total amount of SWAPP funding has been utilized in any Fiscal Year, no further SWAPP funding will be available.

### 203.5 Assistance

Eligible properties shall receive payment assistance in the form of an adjustment towards the property's monthly stormwater bill. For Fiscal Year 2012, the adjustment shall be set at such an amount so that the eligible property's monthly stormwater bill during that Fiscal Year shall be equal to its Fiscal Year 2011 monthly bill plus 10.00% (ten percent). For Fiscal Year 2013, the adjustment shall be set at such an amount so that the eligible property's monthly stormwater bill during that Fiscal Year shall be equal to its Fiscal Year 2012 monthly bill plus 10.00% (ten percent).

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## **205.0 LEAD LINE PROGRAM**

### **205.1 Definitions**

As used in this Chapter of these regulations, “Lead Service Line” means a pipe or pipes made of lead and connecting the City’s water supply system to the premises of a customer, and a lead pigtail, gooseneck or other fitting which is connected to the lead pipe or pipes. As used in this Chapter, the Department will consider the Lead Service Line as extending from the City’s water main to the meter.

### **205.2 Voluntary Monitoring Program**

A customer with a Lead Service Line or piping with lead solder, whose property meets the Department’s required plumbing criteria, and who is preregistered with the Department’s lead monitoring program and has successfully completed all of the program requirements to the satisfaction of the Department, will receive a one-time credit of \$50 per successfully completed monitoring event on his/her water bill. Eligibility is subject to the availability of funds allocated by the Department for this program in the current fiscal year, beginning in Fiscal Year 2017. Credits will be awarded on a first come, first serve basis and based on such other criteria as may be established by the Department. Once the total amount of funding allocated for this program in a fiscal year has been utilized, no further credits will be available until the following fiscal year.

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DEPARTMENT OF PUBLIC WORKS

## **Proposed Final Regulation**

### **CHAPTER 2 ASSISTANCE PROGRAMS**

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Defect and/or Notice of Violation issued by the City; provided that if, in the process of correcting a drainage system defect another drainage system defect is discovered and verified by the Department, or, if, in the process of correcting a water system defect another water system defect is discovered and verified by the Department, then an additional Notice of Defect will not be necessary to increase the loan to cover those additional repairs;

and/or

(2) receives water service through an operable Lead Service Line, as defined in Section 205.1 of these regulations, and the property owner elects to replace the Lead Service Line; and

(e) Applicant is not delinquent by more than two (2) billing cycles on his/her water/sewer/stormwater bill for the subject property, or for any other property owned by applicant in the City of Philadelphia, except as may be covered by a current payment agreement with the Water Revenue Bureau or its agent(s); and

(f) The property is served by an operable water meter; and

(g) Applicant shall consent to the placement of a lien on the property for the amount of the total cost of the work.

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(b) The loan amount shall be determined by the Department, based upon the total costs of the work.

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