

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6451

AN ORDINANCE repealing Chapter 24.10 of the Bellevue City Code in its entirety and replacing it with a new chapter implementing a new Emergency Assistance Program, a new Donation Program, providing a uniform discount rate, updating income levels, and implementing program process improvements related to Utilities Service Charge Relief; providing for severability; and establishing an effective date.

WHEREAS, the City of Bellevue operates water, sewer and storm and surface water utilities and provides rate relief to low-income customers who meet certain criteria; and

WHEREAS, Chapter 24.10 of the Bellevue City Code needs to be updated to reflect current median income levels, and to provide a uniform discount rate and income requirements to simplify and improve the program application and administration process; and

WHEREAS, the City Council desires to amend Chapter 24.10 BCC to make such changes outlined above and to allow implementation of a new Emergency Assistance Program (EAP) to provide temporary utilities service charge relief to low-income customers who are experiencing financial crises and are not otherwise qualified for the current Utility Service Charge Relief Program; and

WHEREAS, the City Council also desires to implement a Donation Program to generate additional funds to be allocated to the Utilities Service Charge Relief Program; and

WHEREAS, the Environmental Services Commission reviewed the proposed changes to Chapter 24.10 BCC and recommends adoption of such amendments by the City Council; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. Repealer. Chapter 24.10 of the Bellevue City Code is hereby repealed in its entirety.

Section 2. A new Chapter 24.10 Bellevue City Code is hereby adopted to read as follows:

Chapter 24.10 UTILITY SERVICE CHARGE RELIEF

Sections:

- 24.10.010 Definitions.**
- 24.10.020 Utility service charges – Relief.**
- 24.10.030 Utility service charges – Qualifications and discount levels.**
- 24.10.040 Claim filing requirements.**
- 24.10.050 CPI increase.**
- 24.10.060 Emergency assistance program.**
- 24.10.070 Donation program.**
- 24.10.080 Funding and program availability.**
- 24.10.090 Administrative authority**

24.10.010 Definitions.

As used in this chapter, the following terms shall have the following meanings:

- A. "Direct billing customer" means a person or household who is directly billed for and responsible for payment to the city for utility service charges.
- B. "Disabled" means a person described by BCC 24.10.030(A)(2).
- C. "Income" means "disposable income," as that term is defined in RCW 84.36.383 plus any disability compensation; plus the aggregate value of all gifts received during that year, excluding the first \$5,008.69 thereof. The aggregate value of all gifts excludable from income as provided in this chapter shall be adjusted for calendar year 1997 and each subsequent calendar year thereafter in accordance with BCC 24.10.050.
- D. "Indirect billing customer" means a person or household who is not directly billed for city utility service charges, but for which household some or all of such charges are paid by a landlord, maintenance association or other third party and who is contributing to payment of those charges.
- E. "Senior citizen" means a person described by BCC 24.10.030(A)(1).
- F. "Kidney dialysis patient" means a person receiving home kidney dialysis treatments pursuant to BCC 24.10.030(A)(3).

24.10.020 Utility service charges – Relief.

There is granted to persons who meet the qualifications and requirements of BCC 24.10.030 and 24.10.040 relief from the city's water, sewer and storm drainage utility service charges as follows:

A. Direct Billing Customers. Subject to subsections C, D and E of this section, all billings by the city during the calendar year to direct billing customers during the time period in which such customers met the qualifications and requirements of BCC 24.10.030 and 24.10.040 shall be reduced by an amount as set forth in BCC 24.10.030 of the aggregate of the minimum water, sewerage and storm drainage service charges as prescribed by the city's water, sewerage and storm drainage rate ordinances then in effect.

B. Indirect Billing Customers. Subject to subsections C, D and E of this section, for all billings paid to the city during the calendar year on behalf of indirect billing customers during the time period in which such customers met the qualifications and requirements of BCC 24.10.030 and 24.10.040, the city shall pay to such indirect billing customers a reimbursement in an amount as set forth in BCC 24.10.030 of the aggregate of the minimum water, sewerage and storm drainage service charges as prescribed by the city's water, sewerage and storm drainage rate ordinances then in effect.

C. In determining the amount of relief granted under this section, the minimum water service charge shall not include any consumption charges beyond the average winter consumption for single-family residences for direct billing customers; the average winter consumption for multifamily residences for indirect billing customers; and 20 ccf of water bimonthly for home kidney dialysis patients qualifying for relief pursuant to BCC 24.10.030(A)(3).

D. In determining the amount of relief granted under this section, the minimum sewer service charge shall not include any consumption charges beyond the average winter consumption for single-family residences for direct billing customers or the average winter consumption for multifamily residences for indirect billing customers; and 20 ccf of water bimonthly for home kidney dialysis patients qualifying for relief pursuant to BCC 24.10.030(A)(3).

E. In determining the amount of relief granted under this section, the minimum storm drainage service charge shall not include any charges beyond the storm drainage charge based on the typical lot size and development intensity levels for single-family residences for direct billing customers and for multifamily residences for indirect billing customers.

24.10.030 Utility service charges – Qualifications and discount levels.

To qualify for the relief set forth in BCC 24.10.020, a person or member of the household must:

A. Meet one of the following criteria:

1. Be 62 years of age or older at all times during any period for which a billing reduction or reimbursement is requested; or

2. Be permanently disabled under the definitions of 42 U.S.C. Section 1382c(a)(2), (3)(A), (3)(B) or (3)(C) and receiving funds from a disability program such as Supplemental Security Income, Social Security Disability Insurance or Disabled Veterans payments; or

3. Be receiving home kidney dialysis treatments, as confirmed by a qualified medical professional; and

B. Have been a resident of the dwelling unit served by the city's utility at all times during any period for which a billing reduction or reimbursement is requested and have contributed to the payment of city utility charges from his or her income or resources; and

C. If seeking relief on the basis of meeting the criteria set forth in subsection (A)(1) or (A)(2) of this section, have an income, as defined in BCC 24.10.010(C), during the calendar year immediately preceding the program year or portion thereof for which a billing reduction is requested not exceeding 50 percent of the median income level per household for such calendar year for the Seattle-Bellevue Housing and Urban Development (HUD) Fair Market Rent (FMR) area as published by the Secretary of HUD in order to qualify for a 70 percent billing reduction or reimbursement pursuant to BCC 24.10.020. If the annual update of the FMR is not available, the median income level shall be determined by adjusting the prior year median income level in accordance with BCC 24.10.050.

24.10.040 Claim filing requirements.

A. All claims for relief requested pursuant to this chapter must be filed with the utilities department of the city during the time periods as follows:

1. Direct billing customers who file a claim for a billing reduction at any time during the program year shall be eligible for a reduction in their billing effective as soon thereafter as their claim may be administratively reviewed, approved and processed.

2. Indirect billing customers who file a claim for reimbursement at any time during the program year following the program year or portion thereof for which a reimbursement is requested shall be eligible for such reimbursement as soon thereafter as their claim may be administratively reviewed, approved and processed.

B. All claims for relief requested pursuant to this chapter shall be submitted to the utilities department in writing on a form provided by the department and certified by the claimant that, to the best of the claimant's knowledge, all information provided therein is true and correct.

C. The utilities department reserves the right to audit any application to ensure eligibility and compliance with this chapter. The department may deny any application which contains any false or misleading representation of fact or may revoke eligibility for rate relief which was procured by fraud or by any false or

misleading representation of fact in the application. Any funds reimbursed or the difference in rates discounted as a result of fraud or false or misleading representation of fact by the applicant shall be returned to the City. The City may use any lawful means necessary to seek repayment of said funds.

24.10.050CPI increase.

The aggregate value of all gifts excludable from income, as defined in BCC 24.10.010(C), and the median income level figure utilized pursuant to BCC 24.10.030 when the FMR update is not available are modified to the extent of any modification in the local area Consumer Price Index for Urban Wage Earners and Clerical Workers – Seattle-Tacoma-Bellevue WA for the period ending in June of the applicable calendar year.

24.10.060Emergency assistance program.

A. Emergency assistance of 100% reduction for up to four months of a customer's water, sewer and storm drainage service charges and disconnection and reconnection fees may be granted by the utilities department to eligible direct billing customers, metered for a single household, which qualify under the following criteria:

1. Total household income does not exceed 50 percent of median income for the last 30 days for the FMR area as defined in BCC 24.10.030; and
2. Have experienced a financial shock as described in BCC 24.10.060(B) which may lead to a financial crisis if not resolved; and
3. Have completed an Emergency Assistance Program application on a form provided by the utilities department where income eligibility and proof of hardship is verified.

B. "Financial shock" is defined as a recent, unexpected event or expense that threatens financial stability and, if not solved, may lead to a financial crisis. A threat to a household's financial stability is anything that interferes with the ability of a household to cover necessary basic needs expenses, such as housing, utilities, food, health and/or other necessary expenses. To qualify for emergency assistance under this chapter, a program applicant must be able to provide documentation sufficient to demonstrate that the unexpected event or unforeseen expense has negatively impacted the household's financial stability.

C. The Emergency Assistance Program application shall be certified by the applicant that, to the best of the applicant's knowledge, all information provided therein is true and correct. The utilities department reserves the right to audit any application to ensure eligibility and compliance with this chapter. The department may deny any application which contains any false or misleading representation of fact or may revoke eligibility for rate relief which was procured by fraud or by any false or misleading representation of fact in the application. Any funds reimbursed or the difference in rates discounted as a result of fraud or false or misleading

representation of fact by the applicant shall be returned to the City. The City may use any lawful means necessary to seek repayment of said funds.

D. A qualifying customer may receive the emergency assistance only one time in any 3-year period.

24.10.070 Donation program.

The city is authorized to accept donations from the public to provide utility assistance under this chapter. Such donations shall be used solely to fund utilities service charge relief authorized by this chapter.

24.10.080 Funding and program availability.

The rate relief provided through this chapter is contingent on the availability of sufficient funds to administer this chapter. The City may suspend the rate relief programs authorized by this chapter in any given program year if sufficient funds are not available.

24.10.090 Administrative Authority.

A. The utilities department may adopt and publish rules and regulations to implement and administer this chapter.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this ~~3rd~~^{7th} day of January, 2019
and signed in authentication of its passage this 8th day of January, 2019.



John L. Chelminiak
John Chelminiak, Mayor

Approved as to form:

Nicholas Melissinos, Interim City Attorney

Catherine Drews
Catherine Drews, Assistant City Attorney

Attest:

Kyle Stannert
Kyle Stannert, City Clerk

Published January 10, 2019.