

AN ORDINANCE TO AMEND CHAPTER 45 TO EXEMPT ELDERLY AND DISABLED RESIDENTS AND RESIDENCES WITH CHILDREN UNDER THE AGE OF FIVE FROM WATER SERVICE DISCONNECTION FOR NONPAYMENT OF UTILITY CHARGES

#0037

Sponsor:

Council
Member
Darby

WHEREAS, every resident of the City of Wilmington, regardless of where they live, race, or class, should have access to clean and safe water; and

WHEREAS, no one should fear that their water will be shut off at any time, but especially during a time when hand-washing and practicing proper hygiene is critical to prevent the spread of a deadly illness; and

WHEREAS, the City is slowly coming out of the COVID-19 pandemic; and

WHEREAS, fixed, low-, and moderate-income families nevertheless continue to face financial challenges; and

WHEREAS, pursuant to Ord. 23-019, City Council established a Water Utility Assistance Program; and

WHEREAS, regardless, the City should not wield the power to turn off water to its most vulnerable populations; and

WHEREAS, City Council deems it necessary to protect the City's most vulnerable populations from water shutoffs.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Section 45 of the Wilmington City Code is hereby amended by creating a new Section 45-8 with the addition of the underlined language to read as follows:

Sec. 45-8. – Elderly, Disabled, and Homes with Occupant(s) under the Age of Five Exempt from Shutoffs for non-payment of utility charges.

(a) Eligibility for Shut off Exemption. The following populations shall be exempt from the utility shutoff

provisions set forth in sections 45-33, 45-86(a)(7), 45-171, 45-172 of this Chapter.

- i) Elderly or disabled customers who meet the eligibility requirements for exemptions from municipal taxation of real property in the city pursuant to the provisions of section 44-64 of the City Code; and
 - ii) Residences with children under the age of five (5).
- (b) Application; affidavit. Application for such exemption must be made by the customer on forms to be furnished by the city's department of finance. The customer shall furnish the information to be executed in the manner required on such forms, and such forms and information shall be filed with the city's department of finance.
- i) Customers who qualify under the disability section shall be required to file a copy of a state, employer, or doctor's determination of disability with the department of finance, although all other conditions of the exemption still apply.
 - ii) Customers who qualify as a residence with a child under the age of five shall be required to file proof that the child(ren) reside at the service address of the account holder.
 - iii) Customers who have been granted exemptions from municipal taxation of real property under section 44-64 of the City Code shall not be required to submit an application for exemption under this section.
 - iv) Making a false written statement on any such application shall constitute the misdemeanor of making a false written statement and the application form shall bear such warning. The department of finance shall process each such application and such supporting documentation as it deems necessary and shall grant or deny the exemption. If the department of finance grants such exemption to the customer, the exemption will remain in effect, without the need to reapply, until the customer becomes deceased or no longer meets the conditions of eligibility. The city retains the right to verify the residency and income of the customer at any time and may rescind the exemption if the customer becomes deceased or ceases to meet the conditions of eligibility. The department of finance has the authority to audit the list of customer receiving such exemption and may require the customer to submit an affidavit or other documentation to substantiate the exemption.

- (c) Rules and regulations. The city's finance director may promulgate such rules and regulations and prescribe such forms as they shall deem necessary to implement this section.
- (d) Notice of availability. The city's finance director shall cause notice of this exemption to be distributed to all customers by publishing eligibility information on the City's website, in monthly billing statements, and including information in customer service scripts used by call center employees.

SECTION 2. Chapter 45 of the City Code is hereby amended by renumbering certain reserved sections thereof by deleting the stricken language and adding the underlined language to read as follows:

Secs. 45-79 – 45-30. – Reserved.

SECTION 3. This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading April 17, 2025
Second Reading April 17, 2025
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2025.

Mayor

SYNOPSIS: This Ordinance exempts eligible elderly and disabled residents as well as residences with children under the age of five from having water shut off for nonpayment of water service charges.

FISCAL IMPACT STATEMENT: Although this legislation exempts eligible residents from water utility shutoffs for nonpayment, the effective deployment of LIHWAP funds should offset any negative fiscal impact to the City, therefore the legislation should be revenue neutral.