

SUBSTITUTE NO. 1 TO ORD. 25-017

**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**

**Rev. 1
#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. Chapter 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. 45-7. – 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) Households with one or more residents over the age of 65;
- ii) Households with one or more residents who receive or are entitled to receive social security disability benefits, disability benefits received from the United States Railroad Retirement Board, or who receive veterans' Service-Connected Disability Compensation; and
- iii) Residents 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) If the department of finance grants an exemption to a customer, the exemption will remain in effect with the need to reapply until the customer becomes deceased, no longer meets the conditions of eligibility, or fails to reasonably respond to requests from the department for documentation under this section.
- ii) 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.

(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. 45-78 – 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 _____, 2026

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.