



DEPARTMENT OF  
**PUBLIC  
UTILITIES**

## **DIRECTOR'S FINAL REGULATORY ACTION**

In accordance with Section 28-26 of the Code of the City of Richmond, Virginia (2020), I hereby make the following final decision regarding the proposed Article III – Customer Service and Billing Regulation.

### **DECISION**

The Article III – Customer Service and Billing Regulation is hereby **ADOPTED AS PROPOSED**.

### **STATEMENT OF BASIS AND PURPOSE**

*Legal Authority:* This action is taken pursuant to Section 28-26 of the Code of the City of Richmond, Virginia (2020), which vests the Director of Public Utilities with the power to make reasonable rules and regulations for the proper management, conduct, operation and control of the gas, wastewater, water, stormwater and electric utilities. Additional authority is provided by City Code Article III (Sections 28-50 through 28-68), which establishes the Director's authority to govern customer service, billing, collection, and related administrative functions for all utility services provided by the Department.

*Purpose:* The Article III – Customer Service and Billing Regulation establishes uniform administrative procedures and standards for customer service decisions to ensure consistent, non-discriminatory treatment of all utility customers. The Regulation provides comprehensive standards governing customer account administration, meter reading and billing cycles, consumption estimation methodology, collection procedures, customer assistance programs, lien procedures, billing adjustments, the appeals and dispute resolution process, special billing services, and compliance and reporting. The Regulation is aligned with industry best practices as established by the American Water Works Association (AWWA), ISO 24512:2024, and National Association of Regulatory Utility Commissioners (NARUC) guidelines.

*Necessity:* This Regulation is necessary to:

1. Establish clear, enforceable, and uniformly applied standards for all customer service decisions across DPU's water, wastewater, natural gas, and stormwater utility services.
2. Codify existing Department practices in a single, accessible regulatory document to enhance transparency and public understanding of customers' rights and obligations.
3. Define specific procedural protections for customers, including limitations on disconnection, payment arrangement standards, and a structured appeals process.
4. Provide clear methodological standards for consumption estimation, meter accuracy testing, and billing adjustments to ensure fair and accurate billing.

5. Formalize a comprehensive customer assistance framework including discounted fees, payment plan incentive credits, conservation assistance, service establishment charge waivers, and a sampling incentive program.
6. Establish performance measurement and annual review requirements to ensure regulatory currency and operational accountability.
7. Ensure compliance with all applicable provisions of the Richmond City Code, state law, and federal requirements governing utility customer service.

The Regulation balances several important considerations:

1. **Customer Protections:** Clear standards for security deposits, estimated billing limitations, payment arrangements, disconnection limitations, and a structured two-level appeals process provide meaningful procedural safeguards for all customers.
2. **Operational Clarity:** Codified procedures for meter access, consumption estimation methodology, billing adjustment eligibility, and lien certification reduce administrative uncertainty and support consistent application across DPU divisions.
3. **Financial Integrity:** Defined payment application order, collection timelines, interest and base fee waiver standards, and wastewater billing adjustment procedures support revenue recovery while providing targeted relief for customers experiencing hardship.
4. **Program Access and Equity:** The customer assistance framework consolidated in Part VI provides multiple coordinated pathways to utility affordability, including income-qualified discounts, payment plan incentives, conservation grants, and service establishment charge waivers.

The adopted approach was selected following consultation with affected Department divisions and evaluation of AWWA, NARUC, and ISO industry standards. The Regulation is designed as a living document subject to annual review to remain current with evolving standards and operational needs.

## **SUMMARY OF PUBLIC PARTICIPATION**

*Public Notice:* Notice of the proposed Article III – Customer Service and Billing Regulation and public hearing was published in the Richmond Times-Dispatch on May 8, 2026, providing more than the required ten (10) days advance notice in accordance with Richmond City Code Section 28-26(a)(2). The notice included information about the public hearing scheduled for May 21, 2026. Notice authentication number 202605110705180652354 / 1103810177 confirms publication.

*Additional Notice Methods:* The Department distributed notice through social media postings and physical flyers during the public notice period to broaden public awareness of the proposed Regulation and hearing opportunity.

*Public Inspection:* The complete proposed Regulation was made available for public inspection in convenient form at the Director's Office and on the Department website for the required minimum ten (10) day period prior to the public hearing. The proposed Regulation was accessible at <https://rva.gov/public-utilities/rulesandregulations>.

*Public Hearing:* A public hearing was conducted on May 21, 2026, from 6:00 p.m. to 7:00 p.m. at 730 East Broad Street, Richmond, VA 23219, in accordance with Richmond City Code Section 28-26(a)(3). The hearing was conducted to provide an opportunity for all people to appear and be heard for or against the adoption of the proposed Regulation.

## **RESPONSE TO PUBLIC COMMENTS**

*Written Comments Received:* None.

*Public Attendance:* None.

*Oral Comments at Public Hearing:* None.

*Analysis of Public Comments:* Not Applicable.

## **EFFECTIVE DATE AND IMPLEMENTATION**

*Effective Date:* The Article III – Customer Service and Billing Regulation shall become effective with the Director’s approval and filing in the Director's Office as required by City Code.

*Implementation:*

1. The Regulation shall be filed in the Director's Office as required by Richmond City Code Section 28-26(a)(4).
2. Electronic copies will be made available on the Department website at <https://rva.gov/public-utilities/rulesandregulations>.
3. Staff training on the Regulation's requirements will be conducted prior to or concurrent with the effective date.
4. Customer notification will be provided through multiple channels including:
  - a. Department website publication
  - b. Billing inserts
  - c. Social media and community engagement
  - d. Multilingual materials in accessible formats upon request
5. The Regulation applies prospectively to all customer service decisions, billing actions, and account administration occurring on or after the effective date.
6. The Regulation supersedes all prior DPU policies and procedures addressing the subject matter herein upon effectiveness.
7. Annual review of the Regulation will be conducted pursuant to Section 1201.1 to reflect changes in AWWA standards, NARUC model rules, operational improvements, and applicable law.

## SUMMARY OF REGULATORY PROVISIONS

The Article III – Customer Service and Billing Regulation is organized in thirteen (13) Parts addressing the following subjects:

**Part I – General Provisions** (Sections 100–102): Establishes legal authority under Richmond City Code Section 28-26, states the purpose and scope of the Regulation covering water, wastewater, natural gas, and stormwater services, and provides operative definitions.

**Part II – Customer Account Administration** (Sections 200–203): Establishes service application processing requirements (3 business days), security deposit amounts (\$25 water, \$50 gas residential; two times residential for commercial/industrial), deposit interest rate (0.25% initially, reviewed annually), and property owner account status inquiry procedures.

**Part III – Billing Standards** (Sections 300–301): Sets billing cycle target of 30 days (not to exceed 60 days), limits consecutive estimated bills to no more than three, and establishes reasonable effort standards for meter access including minimum two access attempts per billing cycle.

**Part IV – Consumption Estimation Methodology** (Sections 400–402): Establishes estimation protocols for meter malfunction for water meters (12-month average) and gas meters (with seasonal heating degree day adjustments), conforming to applicable AWWA M6 and ANSI B109 standards, including gas meter accuracy testing requirements and customer notification obligations.

**Part V – Collection Procedures** (Sections 500–507): Establishes payment application order, collection timelines, disconnection limitations (including protected populations and seasonal restrictions), payment arrangement terms, interest charge and base fee waiver standards for financial hardship, service restoration arrangements, budget plan agreement procedures, and portable meter liability standards.

**Part VI – Customer Assistance Programs** (Sections 600–670): Consolidates DPU's customer assistance framework, including: general program provisions; program funding; eligibility, application review, and priority procedures; Discounted Fees and Charges Program (up to \$1,000 water/wastewater and \$1,000 natural gas per fiscal year for customers at or below 225% Federal Poverty Guidelines); Payment Plan Incentive Credit Program (up to \$500 contingent on maintaining consecutive monthly payments); Conservation Financial Assistance Program; Service Establishment Charge Waiver; and Sampling Incentive Program.

**Part VII – Lien Procedures** (Section 700): Establishes the process for certification of liens against property for unpaid utility charges pursuant to applicable City Code authority.

**Part VIII – Adjustments** (Sections 800, 901): Establishes standards for excess water use adjustments and wastewater billing adjustments for non-returned water, including submeter

installation and certification requirements, application procedures, and billing calculation methodology.

**Part X – Appeals/Disputes** (Section 1000): Establishes a two-level customer review process, with first-level review by a Customer Service Manager or higher within 10 business days, and final administrative review before a presiding officer with a recommendation to the Director within 30 days. Service continues during review provided undisputed charges are paid.

**Part XI – Special Billing Services** (Section 1100): Establishes eligibility for consolidated billing and customized reporting services for commercial, governmental, and qualifying residential customers, with fee structure (\$30–\$90/hour by service type) and no charge for ADA accommodations.

**Parts XII and XIII – Compliance, Reporting, and Effective Date** (Sections 1200–1201, Part XIII): Requires maintenance of performance metrics, mandates annual regulatory review for currency with AWWA and NARUC standards and changes in law, and establishes effective date upon adoption and filing.

## **FINANCIAL IMPLICATIONS**

The Article III – Customer Service and Billing Regulation is primarily an administrative regulation that codifies and formalizes existing Department practices. The Regulation does not independently impose new financial obligations on DPU beyond those already established by City Code and existing operational procedures. Financial implications are as follows:

1. **Customer Assistance Programs (Part VI):** Costs associated with the Discounted Fees and Charges Program, Payment Plan Incentive Credit Program, Conservation Financial Assistance Program, Service Establishment Charge Waiver, and Sampling Incentive Program are funded through existing MetroCare and program fund sources authorized under City Code §§ 28-271 through 28-275 and applicable City Code provisions. Specific program-level cost projections are governed by the MetroCare Assistance Program Regulation adopted February 9, 2026, incorporated herein, and related program authorizations.
2. **Administrative Implementation:** Initial implementation costs, including any required Customer Information System (CIS) configuration updates and staff training, will be absorbed within existing DPU operating budgets.
3. **Revenue Impacts:** Codified interest charge and base fee waiver standards, payment arrangement procedures, and billing adjustment eligibility criteria may affect revenue recovery in individual cases; however, these provisions align with and formalize existing practice and are not expected to produce materially new aggregate financial impact.

4. Offsetting Benefits: Clear standards for payment application, collection timelines, and disconnection procedures are expected to support operational efficiency, reduce disputes, and improve payment compliance over time.

#### **FILING REQUIREMENT**

In accordance with Richmond City Code Section 28-26(a)(4), a true copy of this decision and the adopted Article III – Customer Service and Billing Regulation shall be filed in the Director's Office.

*Scott Morris*

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Scott Morris, DBA, P.E.  
Director of Public Utilities  
City of Richmond

May 26, 2026



DEPARTMENT OF  
**PUBLIC  
UTILITIES**

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**ARTICLE III**  
**Customer Service and**  
**Billing Regulations**

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City of Richmond Department of Public Utilities  
730 E. Broad Street, Richmond, Virginia 23219

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**Effective: May 26, 2026**

## **PART I - GENERAL PROVISIONS**

### **Section 100. Authority**

This Regulation is promulgated pursuant to Richmond City Code (2020) section 28-26, and in accordance with the standards established by the American Water Works Association (AWWA) Manual, ISO 24512:2024, and National Association of Regulatory Utility Commissioners (NARUC) guidelines for utility customer service.

### **Section 101. Purpose and Scope**

101.1 This Regulation establishes uniform administrative procedures and standards for customer service decisions to ensure consistent, non-discriminatory treatment of all utility customers.

101.2 These standards shall apply to all customer service decisions involving water, wastewater, natural gas, and stormwater services provided by the Department of Public Utilities.

### **Section 102. Definitions**

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

"Actual consumption" means metered usage validated through the Department's meter testing protocols conforming to applicable industry standards.

"AWWA" means the American Water Works Association, a nonprofit organization that promotes public health, safety, and welfare through the improvement of water quality and quantity.

"Delinquent account" means any account with charges remaining unpaid after the billing due date.

"Estimated bill" means a bill calculated using the consumption estimation methodology established in Part IV of this Regulation.

"Financial hardship," for purposes of this regulation, means any of the following circumstances, documented to the satisfaction of the Department:

1. An involuntary reduction in monthly household income of twenty-five percent (25%) or more;
2. Medical expenses exceeding twenty percent (20%) of gross monthly household income; or
3. The implementation of a twelve (12)-month payment plan that would increase the customer's average monthly bill to more than two (2) times the customer's prior average monthly bill.

"ISO 24512:2024" means the guidelines for the management of drinking water utilities and for the assessment of drinking water services.

“NARUC” means the National Association of Regulatory Utility Commissioners, a national association representing the U.S. state public service commissioners who regulate essential utility services.

“Practicable” means capable of being accomplished with reasonable effort, resources, and diligence—considering operational constraints, unforeseen circumstances beyond reasonable control, technical feasibility, or a reasoned evaluation of costs relative to benefits—to perform the required action effectively.

"Satisfactory payment record" means an account history showing no disconnection for nonpayment, no more than two late payments, no returned payments, and no evidence of tampering or unauthorized use during the preceding twelve (12) months.

## PART II - CUSTOMER ACCOUNT ADMINISTRATION

### Section 200. Service Application Requirements

*Code Section 28-52 - "Owners, occupants or consumers desiring to apply for gas service, water service, wastewater service...shall apply to the Department of Public Utilities"*

200.1 Applications for utility service shall be processed within three business days. The Department shall not discriminate in the application of these requirements based on race, color, creed, national origin, sex, age, disability, or economic status.

200.2 Service applications shall be approved upon satisfaction of all applicable requirements including, where required by this Regulation, the posting of a deposit or the addition of an applicant who meets the applicable requirements.

200.3 Security deposits will be refunded to the customer one billing cycle after the account is closed or applied to the account if there is a past due balance on the account. Customers may request a deposit be transferred to a new service if the customer's previous account has no pending charges.

200.4 Criteria for Requiring Written Contracts; The Director shall require written contracts when there is an outstanding balance from a previous account that hasn't been paid prior to establishing service.

### Section 201. Security Deposit Requirements

*Implementing Code Section 28-54 - "[T]he Director may require a deposit in advance by any applicant (owner, occupant or consumer) of an amount deemed adequate to secure the payment of sums that may become due...."*

201.1 The Director shall require a security deposit for applicants to establish service at a premise:

- (a) All applicants will be required to pay a security deposit to establish service.
- (b) For residential customers \$25 for water, \$50 for gas;
- (c) For commercial/industrial customers the minimum shall be two times the residential deposit amount for each applicable services; and
- (d) For customers with an outstanding balance the deposit shall be equivalent to the outstanding balance in addition to 201.1 (b) or (c).

## Section 202. Security Deposit Interest Rate

*Implementing Code Section 28-54 - "The Director is authorized to pay interest on all gas and water customer deposits. The rate shall be set by the Director on July 1 of each fiscal year...."*

202.1 The initial interest rate for customer deposits shall be 0.25%. The Director shall review the interest rate annually on July 1 and determine whether an adjustment is warranted.

202.2 The rate in effect when a deposit is refunded shall be the rate used to compute interest for the entire term the deposit was held.

202.3 No interest shall be paid on deposits held less than six (6) months.

## Section 203. Property Owner Account Status Inquires

203.1 Notwithstanding any other confidentiality provision of this Regulation, a property owner may inquire about the utility account status for property they own, provided the property owner presents satisfactory proof of ownership of the service address, which may include a recorded deed, current tax assessment record, mortgage statement, or other documentation acceptable to the Director.

203.2 Upon verification of property ownership, the Department shall disclose only the following information to the property owner:

- (a) The name of the account holder at the service address;
- (b) The date on which the account at the service address was established;
- (c) The date on which any prior account at the service address was terminated; and
- (d) The account type (gas, water, and/or wastewater).

203.3 No information beyond that specified in Section 203.2 shall be disclosed to the property owner, including but not limited to account balances, payment history, consumption data, or any other customer financial information.

203.4 The Department shall maintain a record of all property owner inquiries processed under this Section, including the date of inquiry, the identity of the requesting property owner, the service address, and the information disclosed.

## PART III - BILLING STANDARDS

### Section 300. Meter Reading and Billing Cycles

*Code Section 28-51 - "Bills for service may be rendered monthly, bimonthly, quarterly or on a schedule as determined by the Director"*

300.1 A billing cycle is the period between two consecutive billing statements with the following characteristics:

The target threshold between associated meter reading events shall be 30 days, but no more than 60 days.

300.2 Estimate bills shall be minimized as much as practicable such that no customer shall receive more than three (3) consecutive estimated bills except when such estimation is necessary due to circumstances beyond the Department's control, including but not limited to:

- (a) Documented inability to access the meter after compliance with notice procedures in Section 301;
- (b) Meter malfunction pending replacement within the current billing cycle; or
- (c) Force majeure events including natural disasters, civil disturbance, or declared emergencies.

300.3 For any gas, water, wastewater meters with a billing period less than 15 days, the minimum service fee shall be prorated in accordance with 28-51(C).

### Section 301. Meter Access Requirements

*Supporting Code Section 28-51 and Code Section 28-64 - "Every person...shall permit any authorized agent or employee of the City...to enter upon such premises...."*

301.1 When Department personnel are unable to access a meter for reading, a written notice shall be left at the service address stating:

- (a) The date and time access was attempted;
- (b) The specific reason access could not be obtained;
- (c) The customer's responsibility under City Code to provide access; and
- (d) Instructions for scheduling meter reading appointments;

301.2 Reasonable Effort Standard. For purposes of Code Section 28-51, "reasonable effort" to read a meter shall consist of:

- (a) At least two (2) attempts within the billing cycle, this includes both mobile or manual reads;
- (b) At least one attempt between 8:00 a.m. and 5:00 p.m.; and
- (c) For locked gates or restricted access, one written notice requesting access arrangements;

301.3 Leak adjustments associated with the customer side of the service are not available for accounts that have not provided meter access for greater than three (3) billing cycles.

301.4 No leak adjustments will be allowed for a period of 12 (twelve) months after access has been restored.

301.5 After documented unsuccessful attempts to obtain meter access meeting the reasonable effort standard, the Department may either disconnect or continue estimated billing until access is provided. Any estimates during the time frame where access is restricted will not be adjusted unless the estimated read was determined to be lower than actual. Denial of access constitutes a waiver of the right to dispute charges. Bills shall be calculated in accordance with Part IV of this Regulation.

## PART IV - CONSUMPTION ESTIMATION METHODOLOGY

### Section 400. Estimation Protocols for Meter Malfunction

*Implementing Code Section 28-51 - "When the Director is unable to read a meter after reasonable effort or due to circumstances beyond control, the customer's bill shall be estimated from the best information available..." Implementing Code Section 28-61 - "If a gas or water meter fails to register or record properly...the Director may charge...the average amount..." Implementing Code Section 28-62 - "If a meter fails to register or record property the quantity of ... sewage waste...the Director may charge...the average amount used..."*

400.1 When a residential water meter fails to register consumption accurately, the Department shall estimate the customer's bill based on the expected volume of flow through the meter as determined by testing in accordance with AWWA M6 standards or historical consumption. When meter reading is not possible, consumption shall be estimated using the following methodology:

- (a) For an account where a water meter is suspected to have malfunctioned, billing shall be based on the average usage for the previous twelve (12) months.
- (b) Other methods approved by the Director or designee on a case-by-case basis.

#### 400.2 Billing Adjustment Upon Meter Replacement

- (a) Where a replacement meter has been installed and one full billing cycle has been completed, the Department may adjust past consumption for the period of time the meter is suspected to have been inaccurate to reflect the consumption recorded by the replacement meter.
- (b) Accounts with irrigation service or a pool are ineligible for a billing adjustment under this section.
- (c) Other methods approved by the Director or designee on a case-by-case basis.

#### 400.3 Each estimation shall be documented in the customer's account record showing:

- (a) The specific method used and justification for its selection;
- (b) The variance between estimated consumption and the customer's historical average; and
- (c) The date notification was provided to the customer.

400.4 When a residential or commercial gas meter fails to register consumption accurately, the Department shall estimate the customer's bill based on the expected volume of flow through the meter as determined by testing in accordance with the following applicable standards or historical consumption:

- (a) Gas meters: ANSI B109.1 and B109.2 standards for Diaphragm Type Gas Displacement Meters and ANSI B109.3 for Rotary Type Gas Displacement Meters

When meter reading is not possible, consumption shall be estimated using the following methodology:

1. For a gas account that does not have seasonal heating load variation (gas), after the new meter has been installed and after the first billing cycle, the first month estimate with a new meter shall be based off of the first billing cycle to be established after the meter has been replaced to identify the consumption average of the previous 12 months of usage, excluding any estimated readings during that period of time; and the adjustment shall be based off of preceding actual readings of the replacement meter.
2. For a gas account with seasonal heating load variation, the first month's estimated consumption shall be based on seasonal demand adjusted for heating degree days (HDD), with seasonal demand periods defined as the heating season (October through April) and the non-heating season (May through September). Following installation of a replacement meter, the adjustment to estimated charges shall be based on actual consumption recorded by the replacement meter, normalized for weather using HDD data;
3. Other methods approved by the Director or designee on a case-by-case basis.

400.5 Gas meter accuracy testing shall conform to the following additional requirements:

1. All gas meters shall be tested at the check rate of flow as defined in ANSI B109;
2. New or repaired gas meters shall be adjusted to an accuracy of one hundred percent (100%) within the limits of plus or minus one percent ( $\pm 1.0\%$ );
3. The Department shall provide one free meter test during any twenty-four (24) month period for any customer requesting same, consistent with 20VAC5-10-10;
4. When a gas meter is found to register beyond the accuracy limits of plus or minus two percent ( $\pm 2.0\%$ ), the Department shall adjust the customer's bill for a period equal to one-half ( $\frac{1}{2}$ ) of the time elapsed since the last previous test, but in no case for a period in excess of twelve (12) months;
5. The Department shall maintain records of the latest test for each gas meter, including meter identification number, type, capacity, date of installation, date of removal, and meter location.

400.6 Each estimation shall be documented in the customer's account record showing:

1. The specific method used and justification for its selection;
2. For gas accounts, the heating degree day data used in the estimation and its source;
3. The variance between estimated consumption and the customer's historical average; and
4. The date notification was provided to the customer.

## Section 401. Customer Notification of Estimated Bills

401.1 Each estimated bill shall clearly indicate that consumption was estimated and shall include:

- (a) The period used for estimation;
- (b) The quantity of consumption estimated;

## PART V - COLLECTION PROCEDURES

### Section 500. Payment Application Order

*Implementing Code Section 28-51(b) - "[T]he Director may...establish the order in which payments will be applied to the different charges."*

500.1 Payments received shall be applied to customer accounts in the following order:

- (a) Required security deposits;
- (b) Returned payment fees assessed under City Code;
- (c) Charges for damage or tampering;
- (d) Delinquent utility charges in the following order;

- (1) Stormwater
- (2) Water/Wastewater
- (3) Gas
- (4) Solid Waste/Recycling
- (e) Current utility service charges in the following order:
  - (1) Stormwater
  - (2) Water/Wastewater
  - (3) Gas
  - (4) Solid Waste/Recycling
- (f) Non-regulated charges or fees.

Customers may direct the application of payments to current utility service charges that are not yet delinquent, provided that all amounts listed in subsections (a) through (d) have been satisfied.

## Section 501. Collection Timeline

501.1 The following timeline shall govern collection actions:

- (a) First notice of delinquency shall be issued after an account becomes forty-five (45) days past due; A delinquent notice will be reflected on the customer's bill with guidance to visit the DPU webpage for bill payment assistance and energy savings programs.
- (b) Second notice includes a warning of pending disconnection or flow restriction and shall be issued on the customer's next bill if no payment has been received.
- (c) Disconnection may proceed in accordance with City Code and the provisions of this Regulation when an account has received two delinquency bills and the amount due remains unpaid after the due date of the second delinquency bill. DPU may elect to install a flow restrictor on an account when the account is subject to disconnection.

## Section 502. Disconnection Limitations

*Implementing discretionary authority under Code Sections 28-57 and 28-58 and disconnection in accordance with VA. Code § 15.2-2121.2*

502.1 Notwithstanding any other provision, service shall not be disconnected under the following circumstances:

- (a) When the National Weather Service forecast for the Richmond area indicates temperatures at or below thirty-two degrees Fahrenheit (32°F) within forty-eight (48) hours for gas service, or at or below twenty-five degrees Fahrenheit (25°F) within forty-eight (48) hours for water service;

- (b) When the National Weather Service for the Richmond area indicates forecasted temperatures at or above ninety-two degrees Fahrenheit (92F) for water and wastewater service;
- (c) During any period when a state of emergency has been declared by federal, state, or local authorities;
- (d) When a licensed physician has certified that disconnection would create a life-threatening situation for a permanent resident of the premises, provided such certification is updated every thirty (30) days;
- (e) On Fridays, on weekends, on City-observed holidays, on the day preceding a City-observed holiday;
- (f) When the customer has entered into and is in compliance with a payment arrangement under Section 503; or
- (g) When a dispute is properly filed in accordance with Part IX is pending resolution.

## Section 503. Payment Arrangements

*Implementing Code Sections 28-57 and 28-58 - "...until all indebtedness is paid in full or secured to the satisfaction of the Director."*

503.1 The Director shall offer payment arrangements to eligible customers under the following terms:

- (a) For customers with no prior payment arrangement default within twelve (12) months, a down payment of ten percent (10%) of the outstanding balance with the remainder payable in equal installments over a period not exceeding twelve (12) months;
- (b) For customers demonstrating financial hardship as defined in Section 102, a down payment of ten percent (10%) of the outstanding balance with the remainder payable in equal installments over a period not exceeding twenty-four (24) months.
- (c) The Director may reset the payment arrangement once a minimum of six months has been received without missing a payment at the request of the customer.
- (d) The Director may authorize longer payment periods on a case by case basis and shall not exceed payment periods of thirty-six (36) months.

503.2 All payment arrangements shall require the customer to pay current charges when due in addition to installment payments on the delinquent balance.

503.3 Default on a payment arrangement shall result in immediate notification of intent to disconnect service and disqualification from future payment arrangements for twelve (12) months.

## Section 504. Interest Charge and Base Fee Waivers

*Implementing Code Section 28-65 - "For any residential customer... the Department may, in its discretion and for good cause shown, waive an interest charge."*

504.1 The Director may waive interest charges for residential customers who demonstrate good cause, which shall include:

- (a) Medical emergency documented by physician's statement that resulted in an inability to pay;
- (b) Temporary loss of household income due to: (1) Involuntary unemployment, (2) Death of primary wage earner, (3) Disability of primary wage earner, or (4) Active military deployment;
- (c) Natural disaster or fire affecting the customer's residence;
- (d) Identity theft or fraud affecting customer's finances, documented by police report;
- (e) One-time financial crisis where customer demonstrates: (1) History of timely payment (no more than one late payment in prior 12 months), and (2) Commitment to payment arrangement.

504.2 Waiver requests and supporting documentation must be submitted in writing within sixty (60) days of the interest charge.

504.3 Customers shall be limited to one waiver per twelve (12) month period unless extraordinary circumstances exist.

504.4 Waivers may be granted by the Director based on the severity and duration of the hardship not to exceed sixty (60) days. If the customer does not enter into a payment arrangement or pay the account in full at the agreed to date, interest payments shall be reapplied to the account.

504.5 The Director may waive interest, base fees, and penalties when the Department has determined that there is an error in billing that contributed to the delinquency.

## Section 505. Service Restoration Arrangements

*Implementing Code Section 28-59 - "...make arrangements with and satisfactory to the Director for the payment..."*

505.1: As a condition of restoration of service following disconnection, the customer shall satisfy the total outstanding balance, including all fees and interest, by one of the following means:

- (a) Payment in full of the total outstanding balance;
- (b) For customers with no prior payment arrangement default within twelve (12) months, a down payment of ten percent (10%) of the total outstanding balance,

including all fees, with the remainder payable in equal installments over a period not exceeding twelve (12) months;

- (c) For customers demonstrating financial hardship as defined in Section 102, a down payment of ten percent (10%) of the total outstanding balance, including all fees, with the remainder payable in equal installments over a period not exceeding twenty-four (24) months.

505.2 Customers who have had service disconnected two times or more within the preceding twelve (12) month period must:

- (a) Pay the entire outstanding balance including all fees; and
- (b) Post security deposit equal to two (2) times the security deposit as outlined in section 201.

505.3 Service restoration shall occur within three (3) business days of satisfying all requirements.

## Section 506. Budget Plan Agreements

*Implementing Code Section 28-65(b) - "[A]ny person who has executed a budget plan agreement...."*

506.1 Eligibility for budget plan agreements are available for:

- (a) Only cumulative bills that include gas services; and
- (b) Twelve (12) months of billing history at the current location; and
- (c) Must have no past-due balance on their account at the time of enrollment.

506.2 Budget amount calculation:

- (a) Sum prior twelve (12) months charges;
- (b) Add five percent (5%) for usage variations;
- (c) Divide by twelve (12) for monthly budget amount.

506.3 Budget plan terms:

- (a) Eleven (11) equal monthly payments;
- (b) Twelfth month reconciliation payment or credit;
- (c) No interest charges on budget plan variances if payments made on time;
- (d) Automatic renewal unless customer opts out; upon renewal, the monthly plan amount shall be automatically recalculated based on the customer's actual consumption during the most recent twelve (12) months;
- (e) Termination for two (2) late payments.

## Section 507: Portable Meter Liability and Damage Recovery

Implementing Code section 28-325, "When application for establishment of a water service account is made for an existing or for a new structure, the owner, occupant or consumer, in order to defray the cost incurred in the establishment of such service, shall be charged and shall pay to the Director a service establishment charge of \$35.00 for water service". Code 28-426, "When, in the opinion of the Director, it is impracticable to use water from the distribution system through meters in fixed locations, the Director may permit the use of water from the system through portable meters upon the terms and conditions contained in this division, which shall be in addition to those imposed elsewhere in this article."

(a) General. a. Customers issued portable water meter assemblies are liable for all costs associated with the tracking, loss, theft, damage, improper installation, freezing, contamination, bypassing of the meter, or any other misuse, as determined by the Director, consistent with Section 28-2(c). b. For purposes of this Section, the term 'portable water meter assembly' means the hydrant meter, RPZ backflow prevention device, fittings, testing hardware, and any component parts necessary for proper operation and compliance with DPU requirements. c. The Director may refuse issuance of a portable water meter assembly to any customer who has outstanding DPU charges/fees, or a demonstrated history of misuse or failure to return DPU equipment.

(b) Liability for Damage and Loss.

(1) Customer Responsibility. The customer is responsible for the portable water meter assembly from the time of issuance until proper return to the Department. The customer shall ensure the assembly is maintained in good working condition and protected from damage, theft, freezing, and contamination.

(2) Damage or Loss Costs. In the event of loss, theft, damage, or non-return of the portable water meter assembly, the customer shall pay all costs necessary to restore, replace, or repair the equipment, as determined by the Director. Such costs may include, but are not limited to:

- (i) Replacement cost of the meter and all component parts;
- (ii) Repair and recalibration costs;
- (iii) Testing and recertification costs; iv. Administrative and handling costs; and
- (iv) Any costs associated with water service used but not properly metered.

(3) Cost Assessment. The reasonable replacement cost for a portable water meter and required backflow prevention assembly, including anticipated repair, testing, and administrative costs, is \$1,500.00. The Director may assess actual costs if they differ from this amount.

(c) Violations and Enforcement. a. Any violation of portable meter use requirements, including but not limited to tampering, bypassing, unauthorized modifications, or failure to return equipment, shall be subject to enforcement consistent with Section 28-2. b. Costs assessed under this section shall be billed to the customer and are due upon

receipt. Failure to pay assessed costs may result in denial of future portable meter issuance and referral for collection consistent with City procedures.

- (d) Return of Equipment. a. The customer must return the portable water meter assembly to the Department within five (5) business days of completion of authorized use or upon demand by the Director. b. Upon satisfactory return and inspection of the assembly, and payment of all charges, fees, and assessed costs, the customer's account shall be closed. c. The establishment service fee established in Section 28-325 is not refundable.

## PART VI – CUSTOMER ASSISTANCE PROGRAMS

### Section 600. General Provisions

#### Section 600.1 Authority

This Part implements discretionary authority granted by City Code Sections 28-26, 28-28, 28-271 through 28-275, and 28-299 through 28-303, which authorize the Director to implement the MetroCare Program to provide discounted natural gas, water, and wastewater fees and charges for low-income customers, to provide financial assistance for plumbing repairs and the replacement of water-inefficient appliances, and to establish payment plan incentive credits. Pursuant to these provisions, the Director shall establish rules, regulations, and guidelines to implement the MetroCare Program and may amend such rules, regulations, and guidelines from time to time, as the Director may deem necessary.

#### 600.2 Definitions

For purposes of Part VI, the following definitions apply:

**Applicant** – The customer of record responsible for payment of water utility, wastewater utility, or natural gas utility service, or any combination thereof, at the premises for which an application for MetroCare Program assistance is made.

**Assistance Program Agency (Agencies)** – An entity or entities designated by the Director to perform intake, eligibility determination, and application processing functions on behalf of the Director pursuant to this Part.

**Conservation Need** – The degree to which repair or replacement of water-inefficient appliances and plumbing is expected to ensure (i) more sustainable operation of the City's water utility and wastewater utility facilities; (ii) more sustainable use of the natural resources upon which the utilities rely; and (iii) more affordable utility costs for customers.

**Conservation Program Third Party Administrator (Administrators)** – An entity or entities designated by the Director to coordinate and provide conservation financial assistance, including on-site audits, plumbing repairs, and appliance replacement, pursuant to this Part.

DHHS Guidelines – Federal Income Poverty gross household income levels published by the U.S. Department of Health and Human Services.

Discounted Fees and Charges – Credits applied against the natural gas utility, water utility, wastewater utility accounts, or any combination thereof, for eligible customers pursuant to Section 630.

Financial Assistance – Assistance to eligible Applicants in the form of water audits, direct repair and replacement of plumbing and qualified water-using appliances, and grants for repair and replacement of plumbing and qualified water-using appliances, pursuant to Section 650.

MetroCare Program – The unified customer assistance program of the City of Richmond Department of Public Utilities, encompassing discounted fees and charges, conservation financial assistance, and payment plan incentive credits as set forth in this Part.

Payment Plan Agreement – A flexible, interest-free payment arrangement between DPU and a customer of record for repayment of outstanding utility charges while allowing for the continuation of service.

Program Administrator – A DPU employee designated by, and acting on behalf of, the Director to manage the ongoing operations of the MetroCare Program and to have contractual oversight of Assistance Program Agencies and Conservation Program Third Party Administrators.

Water-Inefficient Appliances – Water using appliances or fixtures which do not meet the United States Environmental Protection Agency (USEPA) WaterSense specifications or other recognized industry standard for water efficiency as the Director may designate from time to time.

### 600.3 Program Oversight and Management

- (a) The Director may designate a Program Administrator to manage the MetroCare Program as set forth in this Part.
- (b) The Director or Program Administrator may designate one or more Assistance Program Agencies to perform intake, eligibility determination, application processing, and administrative support for the MetroCare Program, and may contract with one or more Conservation Program Third Party Administrators to coordinate and provide conservation financial assistance, as authorized by City Code Sections 28-274 and 28-302.
- (c) The Director or Program Administrator shall determine intake locations, fund allocation frequency and amounts based on consumer demand and available funding, and shall enter into agreements with Assistance Program Agencies and Conservation Program Third Party Administrators defining the parties' respective responsibilities.
- (d) Assistance Program Agencies and Conservation Program Third Party Administrators shall provide to the Program Administrator a monthly report in a format prescribed by

Director, including a listing of all applications received, approved, and denied; the amount and type of assistance approved for each approved application; and any other information prescribed by the Director or Program Administrator.

(e) Conservation Program Third Party Administrators shall provide a monthly report in a format prescribed by the Director detailing the number and types of Financial Assistance provided during the reporting period.

(f) Quality Assurance and Monitoring

(1) The Director shall implement the following quality assurance measures:

- i. Monthly review of application processing times and decision consistency;
- ii. Quarterly analysis of discount distribution by geographic area and demographic characteristics;
- iii. Annual customer satisfaction survey for program participants;
- iv. Semi-annual review of program effectiveness in achieving conservation goals;
- v. Continuous monitoring of program fraud prevention measures; and
- vi. Annual third-party audit of program financial management and customer data protection.

(g) Third-Party Contracting Criteria and Requirements

(1) The Director may contract with third-party organizations when any of the following conditions exist:

- i. Administrative workload exceeds available Department staff capacity;
- ii. Specialized expertise is required for program implementation;
- iii. Geographic coverage can be improved through third-party partnerships;
- iv. Cost-effectiveness analysis demonstrates savings compared to direct administration;
- v. Customer service levels can be enhanced through specialized providers;
- vi. Third-party organization has demonstrated experience with similar programs; or
- vii. Grant funding or other resources are available through third-party partnerships

(2) The Director shall require that third-party contractors demonstrate:

- i. Experience administering low-income assistance or conservation programs;
- ii. Financial stability and appropriate bonding or insurance;
- iii. Staff training and certification in relevant program areas;
- iv. Data security and privacy protection capabilities meeting City standards;
- v. Customer service standards meeting or exceeding City requirements;
- vi. Geographic coverage adequate for program needs; and
- vii. Compliance with all applicable federal, state, and local requirements.

## Section 610. Program Funding

### 610.1 Assistance Program Funding Sources

Funds for discounted fees and charges may come from customer donations received through DPU's customer bill payment remittance process and other gifts to the City, and any additional sources as may be otherwise authorized by law.

### 610.2 Conservation Program Funding Sources

Consistent with [City Code Section 28-303](#), the Conservation Program shall be implemented through use of funds derived from grants and other funding sources as permitted by law. Financial Assistance funding may come from any or all of the following sources; provided, however, that funds of the City used for utility operating expenses, except for incidental expenses required to administer the program and to provide limited marketing support, shall not be used for the program. Proposed funding sources may require additional City approvals:

- (a) General Fund appropriations by the City.
- (b) Event fundraisers.
- (c) Customer donations received through DPU's customer bill payment remittance process and other gifts to the City in support of the Conservation Program.
- (d) Grants obtained either by the City, the Conservation Program Third Party Administrator (Administrators), or both, designated for the purposes set forth by this Part.
- (e) Additional sources as otherwise may be authorized by law.

### 610.3 Program Period

The MetroCare Program fiscal year will coincide with the DPU fiscal year.

## Section 620. Eligibility, Application Review, Approval, and Priority

### 620.1 Universal Eligibility Requirements

To be eligible for MetroCare Program assistance, the applicant must be an active residential DPU customer for the utility service(s) requested, at the premises specified in the application.

### 620.2 Additional Eligibility Requirements by Assistance Type

In addition to the universal requirements in Section 620.1, the following requirements apply based on the type of assistance sought:

- (a) Discounted Fees and Charges. The Applicant shall have a total gross monthly household income, adjusted for family size, that is at or below 225% of the Federal Poverty

Guidelines as published by the U.S. Department of Health and Human Services (the “DHHS Guidelines”) as applicable at the time of application and as adjusted for monthly income. The threshold maximum total gross monthly household income shall be the quotient calculated by dividing the applicable gross annual household income set forth in the DHHS Guidelines by the denominator 12.

- (b) Conservation Financial Assistance. The Applicant shall:
- (1) be a utility customer of the City, with the associated utility services bill in such customer's name,
  - (2) own and occupy the premises for which such financial assistance is requested, and
  - (3) have utility account in good standing. An Applicant's utility service account shall be in good standing when the account is current with no arrears, or the Applicant has a payment arrangement authorized by DPU which is not in default.
- (c) Payment Plan Incentive Credit. The Applicant shall meet the eligibility requirements set forth in [City Code Section 28-273\(a\)](#) and shall execute a Payment Plan Agreement with DPU.

### 620.3 Required Supporting Documentation

Applicants shall provide the following supporting documents with applications. The Assistance Program Agency or Conservation Program Third Party Administrator shall not process any application without all applicable documentation:

- (a) A valid photo identification of the Applicant issued by the United States or the Commonwealth of Virginia (e.g., a valid Virginia state driver's license).
- (b) A current bill for the applicable utility service(s) for the residential class of service, listing the Applicant as the customer of record of the premises for which application is made.
- (c) The Applicant's written statement that the Applicant is the resident of the premises for which the application is made.
- (d) Satisfactory written support for establishing the size of the household residing at the premises for which the application is made.
- (e) For discounted fees and charges: documentation of total gross monthly household income for the three (3) months immediately preceding application, including:
  - (1) Pay stubs or employer wage statements;
  - (2) Social Security benefit statements;
  - (3) Unemployment compensation records;
  - (4) Disability benefit documentation;
  - (5) Self-employment income records;
  - (6) Interest, dividend, or other investment income records; or
  - (7) Other official income documentation acceptable to the Director.

- (f) For conservation financial assistance: the Applicant's written and signed statement that the Applicant is both the owner and the occupant of the premises, and the Applicant's signed agreement to comply with all terms and conditions of the offered financial assistance, including granting the City and Conservation Program Third Party Administrator access to the premises for inspection.

#### 620.4 Application Review and Approval

The Assistance Program Agency, Conservation Program Third Party Administrator, or the Director, as applicable, shall approve or deny each application received based on the information contained in the application and in any supporting documents, in compliance with the applicable eligibility requirements set forth in Sections 620.1 and 620.2. No Applicant shall be eligible for more than \$3,000 in any MetroCare Assistance program during a fiscal year.

#### 620.5 Priority Determination

When program demand exceeds available funding, priority among eligible applicants shall be determined as follows, consistent with the priority frameworks established by City Code [Sections 28-273\(c\)](#) and [28-301\(c\)](#):

- (a) Date and time of complete application receipt, with earlier applications receiving priority.
- (b) Among applications received on the same date:
  - (1) For discounted fees and charges: the customer's need, such that customers the farthest below 225 percent of the DHHS Guidelines shall be given priority.
  - (2) For conservation financial assistance: greatest Conservation Need, such that applications having the greatest reduction in household water consumption shall be given priority.
- (c) The Director may exercise discretion to expedite applications based on:
  - (1) Imminent utility service disconnection posing health and safety risks;
  - (2) Household vulnerability factors including:
    - i. Presence of disabled household members;
    - ii. Serious medical conditions requiring utility service;
    - iii. Households with children under age five (5) or adults over age sixty-five (65);
  - (3) Geographic distribution to ensure citywide program access;
  - (4) Length of time since customer last received program assistance; and
  - (5) Demonstrated water conservation efforts by the applicant.

(d) Enhanced Discount Calculation Methodology

(1) Beyond the basic income-based discounts established in Section 630.1, the Director may apply additional calculation factors:

- i. Household vulnerability adjustments for households with members over 65, under 5, or with disabilities;
- ii. Seasonal adjustments for customers with documented seasonal income variations;
- iii. Emergency assistance provisions for customers facing immediate disconnection;
- iv. Geographic equity adjustments to ensure citywide program access; and
- v. Program capacity adjustments based on available funding levels.

(e) Priority Ranking System

When program demand exceeds capacity, the Director shall apply the following detailed priority ranking:

- (a) First priority: Customers facing immediate service disconnection with household income below 100% of Federal Poverty Guidelines;
- (b) Second priority: Customers with household income below 100% of Federal Poverty Guidelines with vulnerability factors;
- (c) Third priority: Customers with household income between 100-175% of Federal Poverty Guidelines facing immediate disconnection;
- (d) Fourth priority: All other eligible customers by application date and time; and
- (e) Within each priority level, rank by percentage below Federal Poverty Guidelines (lowest percentage receives highest priority).

620.6 Approval Period and Reapplication

- (a) Approvals for discounted fees and charges shall remain effective for twelve (12) months from the date of approval.
- (b) No Applicant shall be approved for the same type of MetroCare Program assistance more than once during any given fiscal year.
- (c) Following denial of an application:
  - (1) Applicants denied for incomplete documentation may reapply immediately upon providing required documentation.
  - (2) Applicants denied for exceeding income eligibility limits may not reapply for six (6) months.
  - (3) Applicants denied for providing false information may not reapply for twelve (12) months.
  - (4) Applicants denied for other reasons shall be ineligible to reapply for at least three (3) months from the date of denial, absent the Applicant showing good cause for reconsideration.

## 620.7 Revocation

- (a) The Director may revoke approved MetroCare Program assistance in the event that the Director determines that the Applicant no longer meets the applicable eligibility requirements, or if the Applicant has committed an unlawful act as set forth in [City Code Section 28-2](#), or both.
- (b) The Director or Program Administrator shall provide written notification to the Applicant and, where applicable, the Assistance Program Agency or Conservation Program Third Party Administrator of the grounds for revocation and an opportunity for an informal fact finding prior to making a final determination.
- (c) An Applicant whose assistance has been revoked for fraud or unlawful acts shall be prohibited from making future applications under this Part, absent the Applicant showing good cause for reconsideration.

## 620.8 Appeals

Customers may appeal MetroCare Program decisions using the following procedures:

- (a) Written appeal must be submitted within thirty (30) calendar days of decision notification.
- (b) Appeal must specify grounds for review and any additional documentation to be considered.
- (c) Director shall review an appeal within fifteen (15) business days.
- (d) Director shall issue written decision within ten (10) business days of review completion.

## Section 630. Discounted Fees and Charges Program

### 630.1 Discount Structure

When funding is not limited, customers shall be eligible for the maximum discount. When funding is limited, the Director shall implement a prioritization structure as detailed in items (a) through (e) of this section.

Among customers meeting the eligibility requirements set forth in Sections 620.1 and 620.2(a):

- (a) Customers with household income between 0% and 100% of Federal Poverty Guidelines: 60% discount on water and wastewater service charges;
- (b) Customers with household income above 100% but at or below 175% of Federal Poverty Guidelines: 40% discount on water and wastewater service charges;
- (c) Customers with household income above 175% but at or below 225% of Federal Poverty Guidelines: 25% discount on water and wastewater service charges.

- (d) Discounts shall be applied as a one-time credit against water and wastewater service charges only, excluding deposits, penalties, interest, and non-utility fees.
- (e) Discount amounts are subject to available program funding.

#### 630.2 Manner of Discounting Fees and Charges

- (a) Discounted fees and charges shall consist of credits applied against the approved Applicant's City water utility, wastewater utility, natural gas utility account, or any combination thereof. Such credits shall not be applied against utility account deposits or in connection with any bill dated more than one calendar year prior to the date of the application.
- (b) Approved Applicants shall receive credit for their water utility, wastewater utility, or natural gas utility charges, or any combination thereof, not to exceed \$1,000 for water/wastewater and \$1,000 for natural gas.

### Section 640. Payment Plan Incentive Credit Program

#### 640.1 Program Establishment

The Director may at his discretion establish a Payment Plan Incentive Credit Program once per fiscal year, contingent on the availability of funds for the program.

#### 640.2 Credit Amount

Customers who meet the eligibility requirements set forth in Sections 620.1 and 620.2(c) may receive a one-time credit of up to five hundred dollars (\$500.00) applied against their water, wastewater, or natural gas utility account, or any combination thereof, at the time the Payment Plan Agreement is executed. No customer may receive more than a \$500 Incentive Credit within a twelve-month period.

#### 640.3 Compliance Requirements

- (a) To retain the credit, the customer must make all consecutive monthly payments in accordance with the terms of the Payment Plan Agreement.
- (b) If any payment under the Payment Plan Agreement is more than thirty (30) days late, the total credit applied shall be revoked and added back to the customer's account balance. Once revoked, the credit cannot be reinstated or cured, and the customer is ineligible for a Payment Plan Incentive Credit for twelve months from the time the credit is revoked.

## Section 650. Conservation Financial Assistance Program

### 650.1 Form and Manner of Financial Assistance

Financial assistance provided pursuant to this section shall advance the conservation goals set by the Director and may consist of water audits, direct repair and replacement of plumbing and qualified water-using appliances, and grants intended to provide for repair and replacement of plumbing and qualified water-using appliances, as set forth in City Code Section 28-301(c).

- (a) The Conservation Program Third Party Administrator shall determine the type, or types, of Financial Assistance available to the Applicant, and shall arrange for rendition of the Financial Assistance to the Applicant.
- (b) The amount of Financial Assistance provided to an approved Applicant is based on the level of Conservation Need. When exercising discretionary authority to determine conservation need, the Director shall evaluate the following factors:
  - (a) Potential water savings achievable through proposed improvements;
  - (b) Cost-effectiveness of conservation measures per gallon saved;
  - (c) Impact on sustainable operation of City water and wastewater facilities;
  - (d) Customer's ability to contribute to conservation improvement costs;
  - (e) Age and condition of existing plumbing fixtures and appliances;
  - (f) Household size and water consumption patterns; and
  - (g) Geographic distribution to ensure equitable program access.

#### (c) Financial Assistance Calculation Method

The Director shall determine assistance amounts using the following methodology:

- i. Establish maximum assistance limits based on available program funding;
  - ii. Calculate assistance as percentage of total project cost based on conservation need level;
  - iii. Provide higher assistance percentages for customers with greater conservation potential;
  - iv. Consider customer income level in determining assistance amount;
  - v. Ensure assistance does not exceed actual project costs;
  - vi. Require customer contribution of at least ten percent (10%) of project cost; and
  - vii. Prioritize assistance for projects with greatest long-term water savings.
  - viii. Prioritize assistance based on financial need.
- (d) No Financial Assistance provided to an Applicant shall exceed one thousand dollars (\$1,000).
  - (e) The amount of Financial Assistance provided pursuant to this section shall be limited to available funding.

## 650.2 Conservation Goals and Performance Measurement

(a) Conservation Goals. The Director shall establish and maintain conservation goals for the MetroCare Conservation Program. The following goals are independent performance targets and are not intended to be read as a mathematically linked set:

- (1) Achieve a minimum annual water savings of 5 million gallons through program participants;
- (2) Serve a minimum of 500 customers annually through financial assistance for conservation improvements;
- (3) Achieve an average water use reduction of 15 percent per participating household within 12 months of project completion;
- (4) Maintain a program cost-effectiveness ratio not exceeding \$3.00 per 1,000 gallons of annual water savings; and
- (5) Ensure geographic equity by serving customers in all districts.

(b) Performance Measurement Requirements. The Director shall implement the following measurement and monitoring procedures:

- (1) Baseline Data Collection: Prior to providing financial assistance, collect and document each customer's water consumption data for the 12-month period preceding application;
- (2) Post-Installation Monitoring: Measure and record water consumption for each participating customer at 6-month and 12-month intervals following project completion;
- (3) Conservation Verification: Calculate actual water savings achieved by comparing baseline consumption to post-installation usage, adjusting for seasonal variations and changes in household composition;
- (4) Cost-Effectiveness Analysis: Track total program expenditures against verified water savings to determine cost per gallon saved;
- (5) Customer Compliance Monitoring: Conduct periodic inspections to verify proper installation and continued operation of conservation measures; and
- (6) Customer Satisfaction Assessment: Survey program participants annually to evaluate service delivery and identify program improvements.

(c) Annual Reporting Requirements. The Director shall prepare and publish an annual MetroCare Conservation Program report by March 31st of each year, containing:

- (1) Total water savings achieved during the preceding fiscal year;
- (2) Number of customers served and assistance amounts provided by assistance level;
- (3) Geographic distribution of program participants by Council district;
- (4) Program cost-effectiveness metrics and comparison to established goals;
- (5) Analysis of conservation measure effectiveness by type of improvement;
- (6) Identification of program challenges and recommended improvements;

- (7) Proposed adjustments to assistance levels or program criteria based on performance data; and
- (8) Updated conservation goals and targets for the upcoming fiscal year.

(d) Program Adjustment Authority. Based on annual performance data and program evaluation, the Director may:

- (1) Adjust conservation goals to reflect changing water supply conditions or conservation needs;
- (2) Modify assistance levels and criteria to improve program effectiveness;
- (3) Prioritize specific conservation measures that demonstrate superior cost-effectiveness;
- (4) Implement enhanced monitoring requirements for underperforming project types; and
- (5) Recommend program expansion or modification based on demonstrated results.

(e) Data Management and Retention. The Director shall:

- (1) Maintain comprehensive records of all program participants, including baseline and post-installation consumption data, for a minimum of five (5) years;
- (2) Establish data sharing protocols with utility billing systems to ensure accurate consumption tracking;
- (3) Protect customer privacy while ensuring data availability for program evaluation purposes; and
- (4) Provide quarterly program performance summaries to City management and make annual reports available to the public upon request.

### 650.3 Conservation Program Financial Assistance Detailed Methodology

For MetroCare Conservation Program assistance under Section 28-301, the Director shall apply the following detailed methodology:

- (a) Calculate potential annual water savings based on engineering estimates for proposed improvements;
- (b) Determine cost-effectiveness ratio by dividing total project cost by estimated annual water savings;
- (c) Establish assistance percentage based on cost-effectiveness, with projects saving more water per dollar receiving higher assistance percentages;
- (d) Apply customer income adjustment factor, with lower-income customers receiving up to 10% additional assistance; and
- (e) Cap total assistance at 90% of project cost regardless of other factors.

## Section 660. Service Establishment Charge Waiver

### 660.1 Authority

*This section addresses discretionary authority granted by [City Code Section 28-325](#), which provides that charges may be waived “by the Director under guidelines promulgated by the Director as authorized in Section 28-26.”*

### 660.2 Charge Waiver Criteria

The Director may waive service establishment charges when any of the following conditions exist:

- (a) Service disconnection was due to City infrastructure failure or error;
- (b) Emergency conditions required immediate service restoration;
- (c) Customer demonstrates economic hardship as prescribed in Section 620.3;
- (d) Customer is elderly or disabled and meets income qualification criteria;
- (e) Service transfer occurs within same billing cycle due to property ownership change;
- (f) Waiver corrects billing or administrative errors by the Department.

### 660.3 Economic Hardship Documentation Requirements

For hardship-based waivers, the Director shall require:

- (a) Proof of income at or below one hundred fifty percent (150%) of Federal Poverty Guidelines;
- (b) Documentation of unusual financial circumstances affecting ability to pay;
- (c) Verification of household size and composition;
- (d) Evidence of efforts to obtain assistance from other sources; and
- (e) Certification that information provided is accurate and complete.

### 660.4 Waiver Approval Process

When exercising discretionary authority to waive charges, the Director shall:

- (a) Document the specific circumstances justifying the waiver;
- (b) Verify that waiver criteria have been met;
- (c) Maintain records of all waivers granted for audit and reporting purposes;
- (d) Establish annual limits on total waivers to protect system revenues; and
- (e) Review waiver guidelines annually for effectiveness and appropriateness.

## Section 670. Sampling Incentive Program

### 670.1 Authority

*This section addresses discretionary authority granted by [City Code Section 28-246](#), which provides that “The Director may establish a sampling incentive program to provide monetary payments to residential water customers to encourage their voluntary participation in water sampling programs undertaken by the Department.”*

### 670.2 Program Establishment Decision Factors

The Director may establish a sampling incentive program when any of the following conditions exist:

- (a) Regulatory monitoring requirements would benefit from increased customer participation;
- (b) Public health studies require voluntary customer participation;
- (c) Emergency response planning requires baseline data from residential taps;
- (d) Water quality investigations require geographically distributed sampling;
- (e) New treatment processes or source changes require enhanced monitoring;
- (f) System optimization studies need customer cooperation for data collection; or
- (g) Research partnerships with educational institutions require customer participation.

### 670.3 Program Design Parameters

When exercising discretionary authority to establish sampling programs, the Director shall:

- (a) Restrict eligibility to residential water customers only;
- (b) Establish clear sampling protocols and customer responsibilities;
- (c) Define program duration and termination conditions;
- (d) Create fair and equitable customer selection criteria; and
- (e) Maintain records of program effectiveness and costs.

## PART VII - LIEN PROCEDURES

### Section 700. Certification of Liens

*Implementing Code Section 28-66(b) - "The Director may periodically certify unpaid charges...."*

700.1 The Director shall certify delinquent accounts to the Clerk of the Circuit Court for the City of Richmond for recording as liens against real property based on the following:

- (a) For residential accounts with balances exceeding one thousand dollars (\$1,000.00) and are more than ninety (90) days delinquent.
- (b) For commercial accounts with balances exceeding two thousand dollars (\$2,000.00) and are more than ninety (90) days delinquent.

700.2 No account shall be certified for lien filing unless:

- (a) The property owner is the account holder of record;
- (b) The service address matches the property to be lienied;
- (c) They are in violation of a payment arrangement;
- (d) No dispute is pending; and
- (e) The account is not protected by bankruptcy proceedings.

## PART VIII - ADJUSTMENTS

### Section 800. Excess Water Use Adjustments

*Implementing Code Section 28-60 - "[T]he Director shall refund to the customer a portion of any monthly water and wastewater charges that reflect excess water use...." Implementing Code Section 28-60(b) - "The Director shall promulgate rules pursuant to Section 28-26 to implement this section"*

800.1 Eligibility Criteria. Customers may request an adjustment when all the following conditions are met:

- (a) The customer satisfies the Director that:
  - (1) Customer did not willfully or negligently cause or allow excess water use, or the cause is unknown; and
  - (2) Customer has not beneficially used excess water; and
  - (3) Customer acted diligently and reasonably to limit waste and prevent additional waste.
  - (4) Customer has provided unobstructed meter access.
- (b) Written request, including evidence of repair submitted within three (3) billing cycles of the bill showing excess use or a period deemed acceptable by the Director with adequate justification.

800.2 Baseline Consumption Determination. Baseline shall be determined from actual readings and shall be calculated for:

- (a) Accounts with history of twelve (12) months or longer: Average of same billing period timeframe for immediately preceding 12 months, excluding any period with known leaks; or
- (b) Accounts with history of fewer than twelve (12) months: Average of all available billing periods; or

- (c) Accounts with post repair consumption the average of the post repair consumption; or
- (d) An alternative method agreed to by the customer and the Director.

800.3 Maximum Adjustments. Customers requesting an adjustment shall not receive:

- (a) More than one (1) adjustment within any twelve (12) month period;
- (b) More than one (1) adjustment for the same leak occurrence;
- (c) Any adjustment if leak was due to customer negligence, failure to repair known problems within ninety (90) days of discovering the leak or faulty equipment, or at another duration as agreed to by the Department where the customer demonstrates exigent circumstances.

800.4 Director's Discretion in exigent circumstances.

- (a) If the customer demonstrates exigent circumstances that contributed to the delay in repairs, the Director has the authority to accept the exigent circumstance and provide adjustments to the account.
- (b) Examples of exigent circumstances are listed, but not limited to:
  - (1) Customer incapacity (serious illness/hospitalization/incarceration)
  - (2) Military Deployment
  - (3) Extended absence from the property
  - (4) Reasonable but Mistaken Belief That Issue Was Resolved (Contractor Error or Misdiagnosis)
  - (5) Third Party Control or Responsibility
  - (6) Force Majeure Event

800.5 Adjustment Process:

- (a) Customer submits written request in accordance with 800.1(b);
- (b) Department investigates;
- (c) Written determination provided upon completion of investigation;
- (d) Credit applied to account, if approved;
- (e) Appeals processed under Part X

800.6 Service Establishment Charge Waiver for Delayed Resolution.

Upon written request by the customer, the Director may waive the service establishment charge if the Department of Public Utilities fails to resolve a customer dispute within ninety (90) days from the date the initial request was submitted under Section 800.1. The waiver request must be submitted in writing and shall include documentation of the dispute timeline. The Director shall make a determination within 15 days.

## Section 901. Wastewater Billing Adjustments for Non-Returned Water

*Implementing Code Section 28-580 - "Whenever any wastewater customer uses significant quantities of metered water that are not returned to the wastewater system, the customer may request that the wastewater billings be based on submeters...."*

901.1 Purpose and Applicability. This section establishes procedures and standards for adjusting wastewater charges when customers demonstrate that significant quantities of metered water are not returned to the wastewater system.

901.2 Definitions. For purposes of this section:

- (a) "Non-returned water" means potable water that is consumed, evaporated, incorporated into products, or otherwise permanently removed from the wastewater collection system.
- (b) "Significant quantities" not returned to wastewater treatment means water usage for the following:
  - i. residential customers with an irrigation system; or
  - ii. commercial/industrial customer that do not return at least 90% of the metered water volume, or metered fire flow testing/training.
- (c) "Qualifying submeter" means a water meter meeting the specifications in Section 801.4 that measures water not returned to the wastewater system.

901.3 Eligible Water Uses. The following uses may qualify for wastewater billing adjustments:

- (a) Irrigation systems for landscapes, gardens, or agricultural purposes;
- (b) Evaporative cooling towers and cooling systems;
- (c) Swimming pools, fountains, and water features;
- (d) Industrial or commercial processes where water is incorporated into products;
- (e) Vehicle washing operations with approved water reclamation systems;
- (f) Fire suppression system testing and maintenance;
- (g) Other uses approved by the Director upon demonstration that water is not returned to the wastewater system.

901.4 Submeter Specifications and Requirements.

- (a) All submeters shall:
  - (1) Meet AWWA C700 standards for cold water meters;
  - (2) Have a manufacturer's stated accuracy of plus or minus two percent ( $\pm 2\%$ );
  - (3) Be compatible with the Department's meter reading equipment or provide remote reading capability;
  - (4) Be installed with appropriate backflow prevention devices per applicable standards;

(5) Include accessible shut-off valves on both sides of the meter.

(b) The customer shall:

- (1) Pay all costs for submeter purchase, installation, and maintenance;
- (2) Provide unobstructed access for meter reading or provide access under reasonable timeframes; and
- (3) Maintain the submeter in proper working condition, and
- (4) Upon request provide document of annual calibration, or at another frequency deemed appropriate by the Director.

#### 901.5 Application Procedures.

(a) Customers seeking wastewater billing adjustments shall submit:

- (1) Completed application on Department forms;
- (2) Schematic showing water service lines and proposed submeter locations;
- (3) Description of water use and estimated monthly non-returned quantities;
- (4) Applicant shall provide a copy of the approved Plumbing Inspection upon request; and
- (5) Application fee of one hundred fifty dollars (\$150.00) for administrative review and is non-refundable.

(b) The Department shall:

- (1) Review applications within ten (10) business days and provide written notification to the applicant of the Department's determination. Notification of denial shall include a statement of the specific reasons for denial and information regarding the applicant's right to resubmit a corrected application or seek further review
- (2) Schedule site inspection within ten (10) business days of application approval; and
- (3) Begin adjusted billing with the next regular billing cycle after site inspection has been completed.

#### 901.6 Billing Calculation Methodology.

(a) Wastewater charges shall be calculated as follows:

- (1) Total water consumed minus meter readings on the unit process that does not return wastewater; or wastewater submetered immediately upstream of the discharge to the sanitary sewer;
- (2) Readings from Submeters showing the following shall not be eligible for the adjustment for that and future billing cycles until corrected:

- a. reverse flow;
- b. tampering;
- c. improper calibration; or
- d. in a state of disrepair

(b) When submeters malfunction customer shall notify the Department before the end of the next billing cycle.

901.7 Director's Discretion Standards for Submeters. The Director shall approve submeter applications when:

- (a) The proposed installation accurately measures non-returned water as demonstrated by:
  - (1) Proper meter sizing for expected flow rates;
  - (2) Installation configuration that captures all non-returned water; and
  - (3) No potential for cross-connections or unmeasured diversions;
- (b) The water use is verifiable and consistent with stated purposes; and
- (c) The customer has no record of tampering or unauthorized water use.

901.8 Compliance and Testing Requirements for Submeters.

- (a) Submeters shall be tested for accuracy:
  - (1) Upon initial installation or by meter manufacturer;
  - (2) Every three (3) years for residential customers, or annually for commercial and industrial customers;
  - (3) Whenever consumption patterns are erratic or vary by more than twenty-five percent (25%) from historical averages.
- (b) Testing shall be conducted by the owner of the meter and meet the following requirements:
  - (1) By a certified contractor;
  - (2) Using AWWA M6 testing protocols;
  - (3) At customer expense;
  - (4) With replacement required if accuracy exceeds  $\pm 2\%$  variance.
  - (5) Results provided to the Department.
- (c) The Department may terminate adjustments for:
  - (1) Failure to maintain required accuracy or documentation of testing;
  - (2) Tampering with meter or seals;
  - (3) Failure to provide access for reading; or
  - (4) Delinquent account status exceeding sixty (60) days.

## 901.9 Annual Submeter Certification.

- (a) Customers receiving adjustments shall certify annually that:
  - (1) No modifications have been made to plumbing affecting sub metered water;
  - (2) Submeters remain in proper working condition;
  - (3) All non-returned water passes through approved submeters; and
  - (4) Calibrations have been performed within the specified timeframes.
- (b) Failure to submit annual certification within thirty (30) days of request shall result in termination of adjustments.

901.10 Appeal Rights. Customers may appeal adverse decisions regarding wastewater billing adjustments in accordance with the procedures established in Part X of this Regulation.

## PART X – APPEALS/DISPUTES

### Section 1000. Review Process

#### *Implementing review requirements for discretionary decisions*

1000.1 Customers may contest any adverse decision by filing a written request for review within thirty (30) days of the decision. The request shall state with specificity the reason for dispute and include any supporting documentation.

1000.2 First level review shall be conducted by a Customer Service Manager or higher level supervisor not involved in the original decision. The reviewer shall issue a written decision within ten (10) business days stating findings of fact and conclusions.

1000.3 If the customer is dissatisfied with the first level review, a final administrative review may be filed within fifteen (15) days of the first level written decision. The final review shall be heard by a designated presiding officer at an informal fact-finding proceeding who shall render a recommendation to the Director within thirty (30) days.

1000.4 Service shall continue during the review process provided the customer pays all undisputed charges when due. The disputed charges will be suspended from the account balance until such time that a written decision is made and all appeals have been exhausted.

1000.5 Subsequent disputes regarding the same adverse decision that have been reviewed and decided by the department, shall be deemed barred with no further department action required. A customer's attempted filing of a barred dispute will not pause disconnections for nonpayment in accordance with Section 502 above.

## PART XI - SPECIAL BILLING SERVICES

### Section 1100. Special or Customized Billing Formats

*Implementing Code Section 28-68 - "[T]he Department may provide the customer with specialized or customized billing formats...."*

1100.1 Eligibility. Special billing services are available to:

- (a) Commercial and industrial customers with ten (10) or more accounts;
- (b) Property management companies managing ten (10) or more units;
- (c) Governmental entities requiring specialized reporting;
- (d) Residential customers requiring accommodation under the Americans with Disabilities Act; and
- (e) Residential customers requesting special accommodation.

1100.2 Services available for a fee:

- (a) Consolidated billing for multiple accounts;
- (b) Electronic data interchange (EDI) formatting;
- (c) Customized consumption reports and analytics;
- (d) Alternative billing cycles aligned with customer business needs; or
- (e) Alternate billing formats.

1100.3 Fee Structure. Fees as established in Richmond City Code (2020) Section 28-68:

Special billing services are assessed at thirty-minute increments as follows and will be rounded to the next highest increment:

- (a) Monthly reporting and bill management services: \$50.00 per hour;
- (b) Programming and technical services: \$90.00 per hour;
- (c) Data entry and analysis: \$30.00 per hour;
- (d) No fees for ADA accommodations.

1100.4 Service Agreements:

- (a) Service agreements shall be established by either a verbal agreement on a recorded line or a written agreement signed by the customer. In either form, the agreement shall specify the services to be provided and the applicable fees and charges.

## PART XII - COMPLIANCE AND REPORTING

### Section 1200. Performance Measurement

1200.1 The Department shall maintain records and reports on performance metrics as established by the Director.

### Section 1201. Annual Review

1201.1 This Regulation shall be reviewed annually and updated as necessary to reflect:

- (a) Changes in AWWA standards and best practices;
- (b) Updates to NARUC model rules;
- (c) Operational efficiency improvements; and
- (d) Changes in applicable state or federal law or regulation or City ordinances.

## PART XIII- EFFECTIVE DATE

This Regulation shall become effective after adoption and filing in the Director's Office as required by City Code. Upon effectiveness, this Regulation supersedes all prior policies and procedures addressing the subject matter herein.