City of Columbus
Mayor Michael B. Coleman

Department of Public Utilities
Cheryl Roberto, Director

Rule and Regulation No. 05-01
Division of Water
Department of Public Utilities

March 2005

Subject: **Termination of Water Service at Tenant's Residence**

Pursuant to the Authority granted under Columbus City Codes Chapter 1101, the Director of the Department of Public Utilities hereby adopts, establishes and publishes this rule and regulation to be effective at the earliest date allowed by law. This rule and regulation supersedes Division of Water Rule and Regulation 02-01 published August 31, 2002 in the *City Bulletin* of Columbus, Ohio. This rule and regulation is in addition to any established requirements that have not been superseded or rescinded by this or any previous act.

This rule is applicable only at properties occupied by a "tenant" as that term is defined in Ohio Rev. Code §5321.01(A).

I. Tenants May Avoid Shutoff By Escrowing Their Rent

(A) Any tenant who receives a notice of termination pursuant to Columbus City Code §1101.03 may avoid water termination if the tenant provides notice that the tenant is paying rent into Municipal Court escrow account pursuant to Ohio Rev. Code §5321.07. The tenant must take the following steps:

1. Within fifteen days of receiving the termination notice, the tenant must notify the Division of Water, in writing, of the tenant's desire to exercise his or her rights pursuant to Ohio Rev. Code §5321.07. The tenant may provide this notice by letter, or by sending to the Division of Water a copy of the tenant's notice to the landlord required by Ohio Rev. Code §5321.07(A).

2. Within forty-five days after notifying the Division of Water, the tenant must have deposited the rent into the appropriate escrow account, and must provide to the Division of Water a copy of the escrow deposit.

(B) If the tenant follows the procedure described above, the City will not terminate water service while the rent is held in escrow. If the tenant is subsequently evicted or moves from the premises, the City may immediately terminate water service.

II. Tenants May Avoid Shut-Off By Paying A Deposit

(A) Any tenant who receives a notice of termination pursuant to Columbus City Code §1101.03 may avoid water termination by proving to the Director's satisfaction that the tenant is not responsible for the delinquent bill. The tenant may prove that he or she is not responsible for the bill by proving that the tenant did not occupy the premises during the period when the delinquent bill was accruing, or by producing a copy of a lease which states that the landlord is responsible for the water bill.

(B) If the Director determines that the tenant is not responsible for the delinquent bill, the tenant may avoid termination of water service by paying a deposit and signing a direct billing agreement. If the tenant pays the deposit, the City will not turn off the tenant's water for the prior delinquency. The deposit required by this rule will be equal to 150% of the current average quarterly water and sewer bill amount (and storm water charges, if applicable) for the number of residents living at the property as follows:

One resident: Cost of 800 cubic feet of usage (x 150%);
Two residents: Cost of 1,600 cubic feet of usage (x 150%);
Three residents: Cost of 2,400 cubic feet of usage (x 150%);
Four residents: Cost of 3,200 cubic feet of usage (x 150%);
Five residents: Cost of 4,000 cubic feet of usage (x 150%);
Six residents: Cost of 4,800 cubic feet of usage (x 150%);
Additional residents: Cost of 800 cubic feet of usage per additional resident (x 150%).

(C) If the tenant's water bill becomes delinquent again, the City may use the deposit to satisfy the bill. If the bill remains delinquent, the City may begin termination procedures again.

(D) The tenant shall promptly notify the City if the tenant moves from the property. If the City receives such notice from the tenant, the City will refund the unused portion, if any, of the deposit. If there is still a delinquent bill associated with the property, the City may immediately terminate service to the property once it is vacated, and not restore service until the entire delinquent bill is satisfied.

(E) Nothing in this rule, including the acceptance of a deposit from the tenant or the direct billing agreement, shall be construed to relieve the property owner of ultimate responsibility for the water bill pursuant to Columbus City Code 1105.045.

APPROVED: Cheryl Roberto
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