



Ordinance No. 4044

An Ordinance Amending AMC 13.44.020 and Adopting New Chapter 3.50 Regarding Utility Rate Discounts for Low-Income Households

Whereas Article VIII, Section 7 of the Washington State Constitution provides an exception “for the necessary support of the poor and infirm” from the general rule that a city may not give any money to, or in aid of, any individual, association, company, or corporation;

Whereas AMC 13.44.020, adopted by [Ordinance 1947](#) in 1984, created a 20% utility bill discount for households that meet the 1984 federal poverty guidelines;

Whereas the federal poverty guidelines don’t take into account local economic circumstances;

Whereas HUD defines three income limits (Low, Very Low, and Extremely Low) for Area Median Income for the Mount Vernon-Anacortes Metropolitan Statistical Area on an annual basis;

Whereas the City and State use the HUD income limits in many contexts to identify households that qualify for public subsidy or support;

Whereas the cost of housing includes the cost of utilities;

Whereas the City Council has recognized that the cost of housing in Anacortes is unaffordable to many segments of our community;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

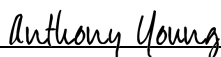
Section 1. AMC 13.44.020 is repealed.

Section 2. AMC Chapter 3.50 is adopted to read as shown in Attachment A.

Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage and publication.

PASSED and APPROVED this 27th day of March, 2023.

CITY OF ANACORTES:



Anthony Young, Mayor Pro Tempore

Attest:



Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

Chapter 3.50 Utility Rate Discounts for Low-Income Households

3.50.010 Purpose..... 3

3.50.020 Definitions..... 3

3.50.030 Applicability..... 3

3.50.040 Program Established..... 4

3.50.050 Qualifying Accounts..... 4

3.50.060 Enrollment..... 4

3.50.070 Amount of Discount..... 5

3.50.080 Penalties..... 5

3.50.010 Purpose

- A. This program provides necessary support for the poor and infirm as authorized by the Washington State Constitution, Article VIII, Section 7.
- B. The City recognizes that the cost of housing includes the cost of utilities.
- C. The City has created this program to lower the total cost of housing for those most in need in our community by reducing the cost of the utility bills over which the City has control.

3.50.020 Definitions

“Gross income” has the same definition as provided in 26 USC 61, as currently enacted or hereafter amended.

“HUD” means the United States Department of Housing and Urban Development.

“MFI” means the Median Family Income estimate provided by HUD for the Mount Vernon-Anacortes Metropolitan Statistical Area.

“Low Income” means 80% of MFI, adjusted for household size.

“Very Low Income” means 50% of MFI, adjusted for household size.

“Extremely Low Income” means 30% of MFI, adjusted for household size.

3.50.030 Applicability

- A. This chapter applies to customer locations and services provided within the municipal boundaries of the City of Anacortes.
- B. The discount program established in this chapter applies to charges for the following city services:
 - 1. Fiber internet;
 - 2. Sanitary sewer;

Attachment A

3. Solid waste (including recycling and organics service);
 4. Stormwater;
 5. Water.
- C. The discount program established in this chapter applies only to a customer bill issued after the date of customer's enrollment.
- D. In a mixed use building where the non-qualifying use is not metered or distinguishable from the qualifying residential use, the program applies to the entire utility bill if the amount of floor area attributable to a qualifying residential use exceeds the amount of floor area for the non-qualifying use.

3.50.040 Program Established

- A. There is hereby established a utility bill discount program to provide necessary support for the poor and infirm.
- B. The Finance Director is responsible for administration of this program.
- C. The Finance Director must maintain a webpage for the program.
- D. City utility bills for residential customers must include a statement advertising the existence of this program, including a link to the program webpage.

3.50.050 Qualifying Accounts

The following utility bill accounts qualify for the discount program created by this chapter:

- A. A household with a gross income at or below the HUD Extremely Low Income, Very Low Income, or Low-Income levels, subject to application under AMC 3.50.060.A.
- B. A multi-family building owned by a tax-exempt non-profit organization or housing authority that is providing housing to people making less than 80% AMI;
- C. A property that is receiving the general facility waiver for low-income housing under AMC 13.44.010 or the impact fee waiver for low-income housing under AMC 3.93.060;
- D. A property enrolled in the property tax exemption for senior citizens and people with disabilities under RCW Chapter 84.36.

3.50.060 Enrollment

- A. Household enrollment.
 1. An application for enrollment in the program established in this chapter under AMC 3.50.050(A) must be filed with the City Finance Director on forms provided by the Finance Department.
 2. An application must include all of the following:

Attachment A

- a. the address or utility account number for which the applicant is claiming the discount;
 - b. a statement of the applicant's household's total gross income (including any spouse or co-tenants residing on the property) for the most recent calendar year;
 - c. a statement of the total number of persons residing in the household;
 - d. proof of eligibility in the form of the most-recent filed IRS tax return or an IRS Wage and Income transcript for the applicant and all other household members;
 - e. the signature of the applicant attesting under penalty of perjury that the information reflected on the application form is correct and complete.
3. An applicant's enrollment under this subsection applies to utility bills issued after the date of enrollment and expires on May 31 of the following year.
- B. Property enrollment. The Finance Director must enroll or unenroll utility accounts under AMC 3.50.050(B) or AMC 3.50.050(C) at the time a qualifying property is qualified or disqualified under that subsection.
- C. Property-tax-exempt property enrollment. On May 31 of each year, the Finance Director must enroll or disenroll utility accounts based on the current list of parcels enrolled in the state low-income senior and disabled property tax exemption program, as provided by the County Assessor.
- D. Unenrollment. The Finance Director must remove a utility account from the discount program upon an event that changes the account's qualifying status, e.g., the sale of a home or change in tenancy.

3.50.070 Amount of Discount

- A. The discount amounts for the various forms of eligibility are shown in Table 3.50.070-1.
- B. If a utility account qualifies for more than one discount, the highest level of discount applies.

Table 3.50.070-1 Discount Levels

Citation	Qualification	Discount
3.50.050(A)	HUD Very Low Income (50% MFI) and Extremely Low Income (30% MFI)	30%
3.50.050(B) or (C)	Tax-exempt non-profit organization providing housing at 80% or less AMI or property receiving benefit of the GFC waiver program	30%
3.50.050(D)	Property enrolled in the County's property tax exemption program	30%

3.50.080 Penalties

- A. Any person who makes any false or misleading statement in any application under this chapter with intent to secure the reduction authorized in this chapter is guilty of a misdemeanor.

Attachment A

- B. In the event of such misrepresentation, the total amount of discount wrongfully obtained through such misrepresentation may be assessed against the person to the fullest extent allowed by law.


Certificate Of Completion

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Subject: SIGNATURE REQUIRED: Approved Ordinance 4044	
Source Envelope:	
Document Pages: 6	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	City Clerk
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	PO Box 547
	904 6th St
	Anacortes, WA 98221
	cityclerk@cityofanacortes.org
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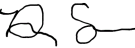
Record Tracking

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3/28/2023 8:54:13 AM	cityclerk@cityofanacortes.org	


Signer Events

Signer Events	Signature	Timestamp
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Darcy Swetnam darcys@cityofanacortes.org City Attorney Security Level: Email, Account Authentication (None)	 Signature Adoption: Drawn on Device Using IP Address: 174.204.64.133 Signed using mobile	Sent: 3/28/2023 9:03:59 AM Viewed: 3/29/2023 2:21:34 PM Signed: 3/29/2023 2:21:46 PM
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Anthony Young anthony@cityofanacortes.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 67.183.72.171	Sent: 3/29/2023 2:21:48 PM Viewed: 4/1/2023 12:02:04 PM Signed: 4/1/2023 12:02:23 PM
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Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
