

9/12/2014

In Re: Katie Webster

Docket No: 36WRMERZW6039

Statement of Record:

1. Katie Webster (hereafter "Petitioner") filed a Petition for Appeal on September 12, 2013 requesting review of the water/sewer bill for the property at 3429 North Smedley St. Philadelphia, Pa.
2. A public hearing before a Tax Review Board (TRB) Master was scheduled for February 14, 2014 and was continued at that time.
3. A public hearing before a Tax Review Board Master was scheduled for April 4, 2014. The decision of the Master, as ratified by the TRB, was to deny the petition.
4. Petitioner requested and was granted a rehearing before the full TRB.
5. A public hearing before the TRB was scheduled for July 1, 2014. At the conclusion of the hearing, the TRB announced its decision to have the water usage for the period 12/21/2011 to 1/24/2012 adjusted to 900 cubic feet per month, and abate penalties accrued on the tenant delinquency that was the subject of this appeal contingent on a payment agreement being entered into within 30 days of the adjusted bill.
6. Petitioner filed an appeal to the Philadelphia Court of Common Pleas.

Findings of Fact:

1. Petitioner requested review of a delinquent water/sewer bill for the property located at 3429 Smedley St. Philadelphia, Pa. for the period 12/10/2010 to 7/20/2012. The principal due was \$1415.65 with lien charges of \$20, for a total due of \$1435.65.
2. Petitioner owned the property on Smedley St. during all periods under appeal.
3. Petitioner did not reside in the property at any time. It is a rental property for Petitioner.
4. The water/sewer bill under appeal accrued during a time when the property was tenant occupied.
5. The tenant was the Water Revenue Bureau customer. Bills were sent to the tenant at the property.
6. The delinquency under appeal occurred because of the failure of the tenant to pay all of the bills for this time period.
7. After the tenant vacated the premises, Petitioner learned of the unpaid water/sewer bills.
8. The tenant paid rent for most of the time period but was asked to vacate at some time in 2012 after falling behind in rent payments.

Conclusions of Law:

Although the City of Philadelphia accepts rental tenants as customers, property owners remain primarily responsible for all bills.

Water Department Regulations provide a process for tenants to apply to be customers that includes notification of the landlord with an opportunity to object to the application for service. Once the process is completed, a tenant is considered a customer and bills are sent to the tenant who is expected to pay the bills as issued. However, the regulations are clear that in the event that a tenant fails to meet his or her obligation to pay the bills, the responsibility for the bills reverts to the property owner. Philadelphia Water Department Regulations Chapter 1.

In this appeal, Petitioner's tenant was the Water Department customer who failed to pay all bills for water service during her tenancy. When the tenant vacated the property and her tenant account terminated, the delinquent charges were billed to Petitioner.

It was the finding of the Tax Review Board that Petitioner, as the property owner, was ultimately the responsible party for all water/sewer bills for this property.

In reviewing the bill, the TRB did find that the period from 12/21/2011 to 1/24/2012 warranted an adjustment for a usage charge based on a meter reading that was out of line with all other readings for the time period.

The Philadelphia Code Chapter 19-1705(2) provides that "(u)pon the filing of any petition for the waiver of interest and penalties accruing upon any unpaid money or claim collectible by the Department of Revenue, for or on behalf of the City or the School District of Philadelphia, the Tax Review Board may abate in whole or in part interest or penalties, or both, where in the opinion of the Board the petitioner acted in good faith, without negligence and no intent to defraud."

The TRB abated penalties accrued against the delinquency based on a finding that Petitioner met the standard for abatement as set forth in The Philadelphia Code Chapter 19-1705(2) as she was unaware of the delinquency as they were based on bills accrued by tenants. Petitioner came forward to address the bill when they became known to her. She did not act in bad faith or with negligence or intent to defraud the city. She was unaware of the delinquency and her responsibility as a property owner for these water/sewer bills.

Concurred:

Nancy Kammerdeiner, Chair

Joseph Ferla

Christian DiCicco, Esq.

George Mathew, CPA