

# **Discontinuation of Residential Water Service for Nonpayment Policy**

## **I. Purpose**

The Rio Linda Elverta Community Water District (District) will apply the following Discontinuation of Water Service for Nonpayment Policy (Policy). Discontinuance of water service for nonpayment is considered the final phase of the collection procedure and will be instituted only after sufficient notification, and when all other reasonable alternatives have been deployed.

## **II. Scope**

This Policy applies to all District residential water service customers, hereafter referred to as the “customer” or “customers”. To the extent this Policy conflicts with any other rules, regulations, or policies of the District, this Policy will control.

## **III. General Provisions**

A. All customers are provided a bimonthly bill for water service and usage. These bimonthly bills are due upon receipt. The due upon receipt aspect is necessary to implement the stipulated minimum days prior to discontinuation policies, associated alternative payment plans and bill dispute/appeals processes stipulated in the new sections of the California Health and Safety Code.

B. The District will attempt to contact the customer and provide notice of discontinuation of water service as provided in this Policy. It is the customer’s responsibility to provide the District with accurate, current contact information. The District is not responsible for the customer not receiving the notices due to inaccurate and/or outdated customer contact information.

C. The District will disconnect water service for charges that have become delinquent for a period of no less than sixty (60) days, unless the service discontinuation is otherwise preempted as further described in this policy. Reconnection fees will be applied to the account of any water service disconnected for nonpayment of delinquent charges. The District will provide notice of disconnection with information on how to restore water service.

1. The beginning of the sixty (60) day period begins with the day in each billing cycle which the bills are distributed.

2. A “Fee Free Deadline”, the last date to pay without incurring additional fee assessments will be established for each billing cycle.

3. Prior to the potential discontinuation of service date (prior to the 60<sup>th</sup> day following bill distribution) the District will send a payment delinquency notice (First Notice) advising the customer of the need to pay in order to preclude service termination and further advising of other options available to the customer. The District’s cost for sending the payment delinquency notice will be charged to the customer’s account. The payment

delinquency notices will be sent no sooner than 19-days after the bill distribution date and no less than seven (7)-days prior to the potential discontinuation of services date.

4. Where a landlord-tenant relationship exists (where the billing address is different than the service address, the payment delinquency notice will also be sent to “Occupant” at the service address. The payment delinquency notice to the “Occupant” (tenant in the landlord-tenant relationship) will apprise the Occupant of the Occupant’s right to become the customer of record. Barring intervention (e.g. payment of the delinquency) to preclude such by the landlord, the tenant will be informed of the right to become the customer to whom the future services will be billed without the Occupant being required to pay the amount due on the delinquent account.

5. If the bill remains unpaid or is otherwise unresolved via alternative payment options, transition in the customer of record (landlord-tenant), or appeal, the District will send a Final Notice by mail no less than 7 days prior to discontinuation of service.

D. Customers whose water service has been discontinued may contact the District by telephone at (916) 991-1000 or in person regarding restoration of service. Restoration will be subject to payment of the delinquent charges, reconnection fees and established security deposit if required by the District. Water service reconnections requested and performed after normal business hours are subject to an additional fee.

#### IV. Notices

##### A. First Notice

The District will provide notices as described above. The notices will be in English and will include instructions in the languages listed in Section 1632 of the Civil Code for receiving a translated copy of the notice. The First Notice will contain:

1. the name and address of the customer;
2. the amount of the delinquency;
3. the date by which payment or payment arrangements must be made to avoid discontinuation of service;
4. the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges;
5. a description of the procedure by which the customer may request an amortization, reduction, or other alternative payment arrangement;
6. the procedure for the customer to obtain information on financial assistance, if applicable; and
7. the telephone number where the customer may request a payment arrangement or receive additional information from the District.

## B. Final Notice

The District will provide a mailed notice to the customer of record at least seven (7) days before discontinuation of water service. If the notice is returned through the mail as undeliverable, the District will attempt to contact the customer by telephone, email and/or via door hanger at the service address. The District will make a reasonable, good faith effort to contact an adult person living at the service address. The notice will contain:

- i. The date and time that the delinquent payment is due to prevent discontinuation of water service for nonpayment.
- ii. The amount of payment due to prevent discontinuation of water service.
- iii. Information relevant to landlord-tenant statutes regarding tenants rights to become the account holder of record without having to pay the past due balance. Such past due balance to remain the liability of the record property owner.
- iv. District contact information to initiate the process to restore water service following discontinuation for nonpayment.
- v. The disconnection/reconnection fee to be added to the outstanding charges if the payment is not received prior to the date/time provided in the Final Notice.

## C. Posting of Notice to Occupants at Service Address

If the mailed notices are returned as undeliverable, the District will make a reasonable, good faith effort to contact an adult person living at the service address including, if necessary, by hand delivery notice placed in a conspicuous place at the service address.

## V. Bill Amortization

The District will consider a request to amortize the bill over a reasonable period of time, not to exceed six (6) months. The amortization schedule and amounts due will be set forth in writing and provided to the customer. During the amortization period, the customer must remain current on all water service charges in subsequent billing periods.

The District may terminate water service if the customer fails to pay an amortized amount due by the schedule date and the original amount due is delinquent by at least sixty (60) days. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

## A. Contact

Customers are encouraged to contact the Customer Service Department for further details regarding this policy or customer assistance options during business hours at (916) 991-1000. Customers may also visit the District's Customer Service desk in person Monday through Friday, from 7:00 a.m. to 4:00 p.m., except on District holidays.

## VI. When Service Will Not Be Discontinued

### A. General

The District will not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during which the District's office is not open to the public. In addition, the District will not discontinue residential water service for nonpayment during the District's investigation of a customer dispute or complaint; during an appeal to the District's Board of Directors; during a District-approved extension, amortization, alternative payment schedule, or reduction, if the customer remains in compliance with the payment arrangement; or as may be required by local, state, or federal law.

### B. Special Circumstances with Amortization Agreement

The District will not discontinue water service if all of the following are met:

- i. The customer is willing to enter into an amortization with respect to the delinquent charges
- ii. The customer is the account holder of record.
- iii. The customer is not currently in an Amortization Agreement with the District.

For any customers who meet all of the above qualifications, the District will offer the customer amortization of the unpaid balance. The District's General Manager will select terms and conditions for the amortization.

The District will review the request for amortization within seven (7) days and: (1) notify the customer of the amortization terms selected by the District and request the customer's signed assent to participate in the amortization; (2) request additional information from the customer; or (3) notify the customer that they do not meet the qualifications.

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The District may discontinue water service if a customer who has been granted an amortization under this section fails to do any of the following for sixty (60) days or more: (a) to pay any amortized amount due under the amortization schedule; or (b) to pay his or her current charges for water service. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

## VI. Other Remedies

In addition to discontinuation of water service, the District may pursue any other remedies available in law or equity for nonpayment of water service charges, including, but not limited to: securing delinquent amounts by filing liens and/or direct levy on real property, filing a claim or legal action, or referring the unpaid amount to collections. In the event a legal action is decided in favor of the District, the District will be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

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### VII. Discontinuation of Water Service for Other Customer Violations

The District reserves the right to discontinue water service for any violations of District ordinances, rules, or regulations other than nonpayment.

### VIII. Fees and Charges Incurred

Except as otherwise expressly stated in this Policy, any fees and charges incurred by a customer under any other rules, regulations, or policies of the District, including, but not limited to, delinquent charges, will be due and payable as set forth therein.

### X. Decisions by District Staff

Any decision which may be appealed to the District's General Manager. The General Manager's ruling may be appealed to the Board of Directors and/ or the Board's designee.

A customer may initiate a complaint or request an investigation regarding the amount of a bill within fifteen (15) days of receiving a disputed bill. For purposes of requesting review of the amount of a bill, a bill shall be deemed received by a customer five (5) days after mailing. The customer may submit a written request to review the amount of the bill to the District, which shall provide a written determination to the customer provided the request is made within the fifteen (15) day complaint window.

### IX. Translations

#### A. Policy

Translations of this policy in the languages listed in Section 1632 of the Civil Code are available at the District office or website.

- i. Please visit our office or website for a translation of this policy.
- ii. Visite nuestra oficina o sitio web para obtener una traducción de este política.
- iii. 请访问我们的办公室或网站，了解本政策的翻译。
- iv. Mangyaring bisitahin ang aming opisina o website para sa isang pagsasalin ng patakarang ito.
- v. Vui lòng truy cập văn phòng hoặc trang web của chúng tôi để dịch bản chính sách này.
- vi. 이 정책에 대한 번역은 저희 사무실이나 웹 사이트를 방문하십시오.

#### B. Notices

All written notices issued under this Policy will be available at the District office or website in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the District's service area.

### XI. References

- A. California Water Code div. 1, ch. 1, § 106.3
- B. California Health & Safety Code, div. 104, part 2, ch. 6, § 116900 et seq. (SB 998 [2018])
- C. California Government Code, tit. 6, div. 1, § 60370 et seq.
- D. California Civil Code div. 3, part 2, title 2, § 1632
- E. California Senate Bill 998 (SB 998)