

DISCONTINUATION OF WATER SERVICE FOR NONPAYMENT POLICY

REFERENCE:

Senate Bill No. 998: Discontinuation of Residential Water Service California Government Code Sections 60370 -60375.5

PURPOSE:

This policy enumerates Konocti County Water District Community Services District's actions for the collection of delinquent accounts, including notifications, fee assignments and discontinuation of service. This policy will be made available to the public on the District's website and at the District office. The District can be contacted by phone at (707) 994-2561 or in person at 15844 35th Ave in Clearlake, CA to discuss options for averting discontinuation of service for nonpayment under the terms of this policy.

POLICY:

This Policy applies to all District water service accounts. To the extent this Policy conflicts with any other rules, regulations, or policies of the District, this Policy will supersede.

2104.1 GENERAL PROVISIONS

- A. All District users will pay a monthly water service and usage charge. Charges will become delinquent after the tenth of the month.
- B. A ten percent penalty will be applied to delinquent charges and a notice of discontinuation will be sent to the mailing address on file.
- C. The District will attempt to contact the occupant of a property and provide notice of discontinuation of water services as provided in this Policy.
- D. The District, may in its sole discretion, discontinue water services for charges that have become delinquent for a period of no less than sixty (60) days. A service fee will be applied to the account of any water service discontinued for nonpayment of delinquent charges. The District will mail and post a notice of discontinuation with information on how to restore water service.
- E. Customers whose water service has been discontinued may contact the District by telephone at (707) 994-2561 or in person 15844 35th Ave regarding restoration of service. Restoration will be subject to payment of the delinquent charges, administrative fees, lock service fees and unlock service fees as applicable. Water service reconnections will be processed during normal business hours, after business additional fees may apply.

2104.2 NOTICES:

A. Written Notice to Customer

The District will provide a mailed notice to the customer of record at least thirty (30) days before discontinuation of water service. If this notice is returned through the mail as undeliverable, the District will attempt to contact the customer by telephone or written notice. The notice will contain:

- i. The name and address of the customer;
- ii. The amount of the delinquency;
- iii. The date by which payment or arrangement for payment is required in order to avoid discontinuation of water service.

iv. A description of the process to apply for an extension of time to pay the delinquent charges.

v. A description of the procedure to petition for bill review and appeal.

vi. A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with this written policy.

B. Posting of Notice to Occupants at Service Address

The District will make a reasonable, good faith effort to contact an adult person living at the service address by leaving a notice of imminent discontinuation of residential service in a conspicuous place at the service address no less than 7 (seven) business days before discontinuation of water services. The notice will be addressed to "Occupant," will contain the same notice information required above, and will also inform the residential occupants that they have the right to become customers of the District without being required to pay the amount due on the delinquent account. Terms and conditions for occupants to become customers of the District are provided in this Policy.

If notice pursuant to subparagraph A is returned through the mail as undeliverable, and the District is unable to contact the customer by telephone, the District will include a copy of this Policy with the Notice to Occupants at Service Address.

2104.3 CUSTOMER ASSISTANCE:

A. Bill Complaint or Review

Any customer may initiate a complaint or request an investigation by the District into the charges on their bill, any component of the bill or any service provided by the District within five (5) days of receipt of the disputed bill. The District will not discontinue water service during an investigation of a timely complaint or dispute. The District's review will include consideration of whether the customer may receive an amortization, alternative payment schedule, or payment reduction under this Policy.

If the customer considers the results of the investigation by the District to be unfavorable, they have the right to appeal the District's decision to District's Board of Directors. The customer must file a written notice of appeal with the District Secretary within ten (10) business days of the District's mailing of its determination. The District Secretary will set the matter to be heard at an upcoming Board meeting and mail the customer written notice of the time and place of the hearing at least ten (10) days before the meeting. The decision of the Board is final.

B. Bill Amortization

The District will consider a request to amortize the bill over a reasonable period of time, not to exceed twelve (12) 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.

C. Contact

Customers are encouraged to contact the District for further details regarding this policy or customer assistance options during business hours at (707) 994-2561. Customers may also visit the District Office in person Monday through Friday, from 9:00 a.m. to 4:00 p.m., excluding District holidays.

2104.4 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 if the customer remains in compliance with the payment arrangement.

B. Special Medical and Financial Circumstances with Amortization Agreement

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

- i. The customer, or a tenant of the customer, submits to the District the certification of a licensed primary care provider that discontinuation of water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided;
- ii. The customer demonstrates that they are financially unable to pay for residential service within the District's normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if:
 - (a) any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, California SSI/SSP, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or
 - (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and
- iii. The customer is willing to enter into an amortization with respect to the delinquent charges.

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

The customer is responsible for demonstrating that the qualifications above have been met. Upon receipt of documentation from the customer, the District will review the documentation within seven (7) days and:

- (1) notify the customer of the amortization terms selected by the District and request the customer's signed consent to participate in the amortization;
- (2) request additional information from the customer; or
- (3) notify the customer that they do not meet the qualifications.

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.

2104.5 PROCEDURES FOR OCCUPANTS OR TENANTS TO BECOME CUSTOMERS OF THE DISTRICT

A. Scope

This section only applies when a property owner, landlord, manager, or operator of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue water service due to nonpayment.

B. Agreement to District Terms and Conditions of Service

The District will make service available to the actual residential occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the District's rules and regulations. Notwithstanding, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, the District will make service available to the occupants who have met those requirements.

C. Verification of Tenancy

In order for the amount due on the delinquent account to be waived, an occupant who becomes a customer will verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code, at the discretion of the District.

2104.6 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 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.

2104.7 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.

2104.8 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.

2104.9 DECISIONS BY DISTRICT STAFF

Any decision which may be taken by the District staff under this Policy may also be taken by the Auditor.

2104.10 TRANSLATIONS

A. Policy

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

B. Notices

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

2104.11 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