

City of Tehama Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges

I. Scope and Purpose:

Under existing law, the City reserves the right to discontinue (shut-off) water service to residential and commercial properties in the event of nonpayment for water service. The purpose of this Policy is to (i) provide regulations for the manner in which residential water service may be disconnected in the event of nonpayment; (ii) to provide adequate safeguards to ensure residential customers and occupants are provided adequate notice and a fair opportunity to contest the water bill before water service is disconnected; and (iii) to provide potential alternative payment arrangements for residential customers who qualify.

This Policy does not apply or otherwise affect the City's ability to discontinue water service to nonresidential customers or to discontinue water service to residential customers for reasons other than nonpayment of rates and charges.

The City reserves the right to amend this Policy by resolution at a properly noticed meeting. Other than as may be required by the Ralph M. Brown Act, no further notice, including but not limited to individual written notice to customers, is required to amend this Policy.

This Policy is intended to be consistent with California law governing the disconnection of residential water service. To the extent there is any inconsistency between this Policy and California law, California law will control.

II. Discontinuation of Water Service to Residential Units:

The City reserves the right to discontinue water service to residential units, including, but not limited to, single-family dwellings and multi-unit residential structures in the event a water bill remains unpaid for a period of sixty (60) calendar days after it has been sent. Water bills are mailed to Customers on a monthly basis and are due and payable upon receipt become delinquent if it is not paid, in full, 30 days after the mailing date. Non-receipt of a bill shall not relieve the Customer of any obligation to the City.

First Notice of Delinquency: When an account becomes delinquent, the City will send the Customer a bill with a "Past Due Notice" which states: (1) that a late penalty of \$10 has been assessed to the account and (2) the date water service will be discontinued if the bill and all fees are not paid in full, if prior arrangements have not been made.

Second Notice of Delinquency : No less than 7 business days before discontinuance of a residential service, a second notice will be mailed to the customer advising the customer of the proposed service discontinuance date. If the mailing is returned as undeliverable, the City will make a good faith effort to post the notice in a conspicuous place on the property where service is provided. It is the customer's obligation to ensure the City has a current mailing address on file. If the customer's address is not the address of the property where water service is provided, notice must also be mailed or delivered to the property address. A \$5 fee will be assessed to the account to cover time and costs of the notification.

The written notice will provide customers and, if applicable, occupants with the following information (among other information):

- Customer's name and address
- The amount of the delinquency;
- The date by which payment or other arrangement for payment is required to avoid discontinuation of service;
- The date service will be discontinued if payment or other arrangement for payment is not in place;
- A copy of this policy, and
- A telephone number for residential customers to contact in order to discuss option for averting discontinuation of residential service for non-payment.
- For certain tenant occupied units in which the landlord is the customer, that the tenants' have the option to avoid service disconnection by becoming a direct customer of the City.

Third Notice of Delinquency: A 48 hour notice in the **form of a door hanger** will be posted in a conspicuous place at the residence. If the customer fails to make payment on the delinquency after 60 days or fails to comply with any alternative or deferred payment plan entered into by the customer, a "48-Hour Notice charge in the amount of \$15.00 will be assessed to each customer receiving said notice.

Service Disconnection: All delinquent water and associated fees must be received by the City no later than 10:00 a.m. on the date specified in both the second and third notices of delinquency to be assured that water service will not be discontinued. **A disconnection notice** will be posted in a conspicuous place at the residency during lockout. A \$25 fee will be charged for turn off. Service disconnection will be scheduled during City office hours in order to provide the Customer the opportunity to make last minute payment or issue resolution to avoid actual disconnection of water service.

Restoration of Service: The City will restore water service that has been shut off due to non-payment or other reasons, when the City receives payment for all outstanding charges and fees or payment arrangements that have been made, or an issue has been fully resolved the City.

. The City will endeavor to restore service as soon as practicable, but shall at least restore service before the end of the regular working day following the day of the payment. An additional \$25 fee will be assessed to restore service during normal business hours. After hours service will be \$50.

III. Right to Appeal the Delinquent Water Bill.

Residential customers who dispute their water bill have the right to appeal (contest) the amount due. An appeal must be submitted in writing and received by the City no later than the fourth (4th) day before the date described in the notice as the intended water disconnection date, unless the fourth day falls on a weekend or federal holiday, in which case the written notice of appeal must be received on the next business day following the weekend or holiday.

To be valid, a notice of appeal must, at minimum, provide the following information: (i) name of customer, (ii) phone number, (iii) address where notices can be mailed, (iv) the particular water bill(s) appealed, (v) a brief statement of the ground for the appeal.

The City will contact you at the phone number provided on the notice of appeal to provide notice of the date, time, and location for the appeal hearing. The hearing will normally take place within three to five business days, subject to the City Administrators' availability, following receipt of the notice of appeal. Customers may request one continuance for a period not to exceed three business days upon a showing of good cause.

The City Administrator will hear the appeal and render a final decision at the conclusion of the hearing in writing. At the hearing, customers have the right, but not the obligation, to present documents, call witnesses, and have counsel. For purposes of the appeal, the water bill is presumed valid and the burden of proof rests with the customer to demonstrate otherwise. Except as may be expressly provided by law, the decision of the City Administrator shall be final and there shall be no right to appeal to the City Council.

Water service will not be discontinued while the appeal is pending. In the event the appeal is denied, water service may be discontinued, without further written notice, no sooner than three days after the hearing if payment is not made in full.

IV. Alternative Payment Arrangements for Qualifying Customers.

Under certain qualifying conditions, customers who are facing a residential water service disconnection may be eligible to participate in alternative payment arrangements.

--Who may qualify?

Customers who are able to demonstrate each of the following are eligible to participate in an alternative payment arrangement:

Special Conditions: The City shall not discontinue residential service for nonpayment if all of these conditions are met:

First requirement: the customer, or a tenant of the customer, must submit to the City a certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where service is provided. For purposes of this requirement, a "primary care provider" means either of the following: (i) any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or any primary care clinic, rural health clinic, community clinic or hospital outpatient clinic currently enrolled in the Medi-Cal program, which agrees to provide case management to Medi-Cal beneficiaries.

Second requirement: the customer demonstrates to the satisfaction of the City a financial inability to pay for water service within the normal billing cycle. A customer is deemed financially unable to pay if any member of the household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Woman, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

Third requirement: the customer agrees in writing on a form provided by the City to comply with the alternative payment arrangement proposed by the City.

How to request an alternative payment plan?

If a customer believes he or she qualifies to participate in an alternative payment plan, the customer must contact the City as soon as possible at the phone number below, but in no event after the time to appeal the water bill has expired, to inform the City that the customer intends to submit information to establish eligibility to participate in an alternative payment arrangement. After such notice is provided, the customer must submit documentation demonstrating he or she meets the first two requirements described above no later than five (5) calendar days after the date set for the intended service disconnection.

It is the customer's obligation to ensure the timely submission of complete and satisfactory

documentation demonstrating eligibility. If the information is not submitted in a timely manner or if the information is incomplete, the City will provide notice of a new intended disconnection date no earlier than five (5) calendar days after mailing. In such a circumstance, the only way to avoid the disconnection of service is the payment, in full, of all delinquent charges.

--What alternative payment options are available?

At its election, City may offer you one of two alternative payment plans for the delinquent amount. *Customers who are approved for an alternative payment plan for a delinquent amount must still keep current with ongoing water service billing or water service may be disconnected.*

Temporary deferral of payment. For delinquencies less than \$300, the City may offer customers the opportunity to temporarily defer payment of the delinquent amount to a certain date in the future. The deferment applies only to the delinquent amount and customers must still pay, when due, all current charges for water service.

Amortization of unpaid amount. The City may offer customers the opportunity to amortize the delinquent amount over a period not to exceed twelve (12) months at the City's election.

V. PAYMENT ARRANGEMENTS MUST BE MADE WITH THE CITY PRIOR TO THE PROPOSED SHUTOFF DATE. The City office is located at 250 Cavalier Dr., Tehama, CA 96090. Phone number (530)384-1501.

VI. Discontinuation of Residential Service in Landlord-Tenant Situations

This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

a. Where the City furnishes individually metered residential service to residential occupants of a detached single-family dwelling, or a multiunit residential structure, and the owner, manager, or operator of the dwelling, is the customer of record, the District will make a Good Faith Effort to inform the residential occupants, by means of Written Notice, when the account is in arrears and that service will be terminated. Notice will be provided at least 10 calendar days prior to termination. The Written Notice shall further explain that they have the right to become a customer, to whom the serviced will then be billed without having to pay any of the delinquent amounts.

b. If service is terminated, the tenant may elect to establish a service subject to the terms and conditions of service, meets the requirements of law and the City's Rules & Regulations. In order for the amount due on the delinquent account to be waived, the City requires that the applicant verify who the delinquent account customer of record is, or was, the landlord, manager, or agent of the dwelling. Verifications may include, but are not limited to, a lease or rental agreement, rent receipts, a government document indicating the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

VII. Contacting the City and Additional Information.

If you have questions or to provide notice to the City under this Policy, please direct your inquiry or notice to:

City Clerk PO Box 70
250 Cavalier Dr
Tehama, CA
Phone: (530) 384-1501
cityhall@cityoftehama.us

For information, please visit the City's website at cityoftehama.us