

DEL REY COMMUNITY SERVICES DISTRICT

**POLICY FOR DISCONTINUATION OF RESIDENTIAL SERVICE FOR
NONPAYMENT**

PURPOSE

This policy of the Del Rey Community Services District (“District”) is for the purpose of California Senate Bill 998, known as the “Water Shutoff Protection Act” (hereinafter the “Policy”), and sets forth the District’s provisions for the collection of delinquent residential water accounts. The Policy does not apply to non-residential accounts. The Policy will be made available to the public on the District’s website, and available upon request in writing translated into all required languages by law. The District can be contacted by phone at (559) 888-2272 to discuss options for preventing discontinuation of water service for nonpayment under the terms of this policy.

POLICY PROVISIONS

I. Delinquent Accounts

Delinquent accounts are hereafter identified as any account that remains unpaid (and without having made payment arrangements or established an alternative payment schedule) by close of the last business day of the month which a water bill is issued.

II. Languages

All written notices required under this policy, and copies of this policy, shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the District’s service area. As of the most recent update to this policy, the required languages include English and Spanish.

III. Late Fees

If payment for a bill is not received by close of business on the last business day of the month the bill is issued, the account is deemed delinquent and a late fee will be assessed. The due date and late fee will be displayed prominently on the bill. The customer has the responsibility for maintaining current address, telephone, and email contact information with the District.

IV. Disconnection Notice

The District shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least sixty (60) days pursuant to state law. The District will make a reasonable, good faith effort to contact the customer, in writing, at least seven (7) business days before discontinuation of water service for non-payment. The disconnection notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the

property to which water service is provided are different, a second notice will be mailed to the service address and addressed to "Occupant."

The written disconnection notice will include:

- A. The customer's name and address.
- B. The amount that is past due.
- C. The date by which payment or payment arrangements are required to avoid discontinuation of residential service.
- D. A description of the process to apply for an amortization plan of delinquent charges; temporary deferral of payments, and/or an alternative payment arrangement.
- E. A description of the process to dispute or appeal a bill.
- F. The District's phone number and instructions on how the customer may obtain a copy of the Policy.

For tenants/occupants at an individually-metered residence, the District will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least ten (10) days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the District without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at that address. In order for the amount due on the delinquent account to not be assessed on the new account for the services assumed by the tenants, the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments.

For tenants/occupants at a multi-unit complex with a master meter, the District will make a reasonable, good faith effort to inform the occupants, by means of written notice hung on the door of each residence, when the water service account is in arrears and subject to disconnection at least ten (10) days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the District without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at the address(es) served by the master meter. If one or more of the occupants are willing and able to assume responsibility for the subsequent charges for water service to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those occupants who have not met the requirements for service, the District will make service available to the occupants who have met those requirements.

If the written disconnection notice is returned through the mail as undeliverable, the District will make a reasonable, good faith effort to visit the residence and leave a notice of discontinuance for non-payment as well as a copy of this written policy translated into all required languages.

V. Disconnection Deadline

All delinquent water service charges and associated fees must be received by the District by 5:00 p.m. on the day specified in the written disconnection notice.

VI. Alternative Payment Arrangements

The District shall offer alternative payment arrangements for any customer who is unable to pay for water service within the normal payment period and requests an alternative payment arrangement to avoid late fees or disruption of service. The District will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted. The alternative payment arrangement options include:

A. Amortization of the unpaid balance

Payment arrangements that extend into the next billing period are considered an amortization plan, which must be in writing and signed by the customer. An amortization plan will amortize the unpaid balance over a period defined by the customer, not to exceed twelve (12) months from the original date of the bill. The amortized payments will be combined with, and subject to the due date of, the customer's regular bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan. Failure to comply with the terms of an amortization plan will result in the issuance of a written disconnection notice. The disconnection notice resulting from failure to meet the terms of an amortization plan will be in the form of either a door hanger or other physical document posted to the premises no less than five (5) business days in advance of discontinuance of service.

B. Temporary deferral of payment

A customer may request deferral of a payment, up to ninety (90) days from the original due date. Should the customer not be able to make subsequent current bill payments, the deferred amount shall be due and payable immediately, and the disconnection notice resulting from failure to meet the terms of the deferral plan will be in the form of either a door hanger or other physical document posted to the premises no less than five (5) business days in advance of discontinuance of service.

C. Reduction of late penalties

At the request of the customer, the District may waive the late fee if there are extenuating circumstances and the customer has not been assessed a late fee for delinquent payment in the preceding six (6) months.

D. **Alternative payment schedule**

Should a customer be on fixed income, seasonal employment with seasonal compensation, or other extreme variability in household income that is consistent on an annual basis and documented as such, the customer may request an alternative payment schedule with alternative billing dates and periods consistent with the flow of their personal income. The alternative schedule must still completely pay all amounts owed by June 30 of each year. Failure to meet this requirement will disqualify the customer from future alternative payment schedule options. Should the customer not be able to make subsequent current bill payments while on an alternative payment schedule, the owed amount shall be due and payable immediately, and the disconnection notice resulting from failure to meet the terms of the deferral plan will be in the form of either a door hanger or other physical document posted to the premises no less than five (5) business days in advance of discontinuance of service. Failure to meet the payment terms and conditions of an alternative payment schedule shall make the account holder(s) ineligible for future alternative payment schedules.

VII. Disconnection of Water Service for Nonpayment

The District will disconnect water service by turning off, and in some cases locking off, the meter. Before service is disconnected, the customer will be notified by a written disconnection notice at least seven (7) business days prior to termination. The customer will be charged a fee to re-establish service in the District's billing system regardless of whether the meter has physically been turned off.

VIII. Delinquent Accounts of Customers Financially Unable to Pay for Service with Medical Requirements

Pursuant to California Health and Safety Code section 116910(a), if a customer satisfies all of the conditions in the above-referenced section, their water service cannot be shut off for nonpayment. The conditions are as follows:

- A. The customer, or tenant of the customer, submits to the District a certification from a primary care provider, as defined by the Section 14088 of the Welfare and Institutions Code, 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 residential service is provided;
- B. The customer demonstrates he or she is financially unable to pay for residential service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the District's normal billing cycle if any member of the customer's 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 Women, Infants and Children, or the customer

declares that the household's annual income is less than 200 percent of the federal poverty level; and

- C. The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with this policy, subject to Section 116906(a) of the Health and Safety Code.

IX. Re-establishment of Service

In order to resume or continue service that has been disconnected for non-payment, the customer must pay a re-establishment fee as adopted by resolution of the District's Board of Directors, of amounts as determined by the Water Shutoff Protection Act. Service restored after 4:00 p.m. on Monday through Friday, weekends, or holidays, will be charged an after-hours re-establishment fee as adopted by resolution of the District's Board of Directors, of amounts as determined by the Water Shutoff Protection Act.

The District will attempt to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next regular working day following payment of any past due amount and delinquent fees attributable to the termination of service. Service will not be restored after regular business hours unless the customer has been informed of the after-hours re-establishment fee and has signed an agreement acknowledging the fee and agreeing to contact the District no later than noon the following business day to pay the subject fee. The after-hours reestablishment fee is in addition to the late fee for a past due account. Water service may only be turned on by District personnel, or a person with the District's express authorization.

X. Notification of Disposition of Returned Check

Upon receipt of a returned check taken as payment of water service or other charges, the District will consider the account not paid. The District will make a reasonable, good faith effort to notify the customer by phone or email of the returned check. If they payment was for an account that is already delinquent, then the date of discontinuance of service will remain unchanged. If the payment was made within forty eight (48) hours of discontinuance, a minimum of a forty eight (48) hour notice of termination of service due to a returned check will be generated, ensuring at least forty eight (48) hours before the service is discontinued. The means of notification will be based upon the notification preference (text, phone, or email) selected by the customer. Customers who have not selected a means of notification will be notified by phone. If the District is unable to make contact by text, phone, or email, a good faith effort will be made to visit the residence and leave a notice of termination of service.

Water service will be disconnected if the amount of the returned check and the returned check charge are not paid on or before the date specified in the notice of termination. All amounts paid to redeem a returned check and to pay the returned check charge must be in cash, credit card, or certified funds.

In the event a customer tenders a non-negotiable check as payment to restore water service previously disconnected for non-payment, and the District restores service, the District may

promptly disconnect service without providing further notice. No forty eight (48) hour notice of termination will be given in the case of a non-negotiable check tendered for payment of water charges that were subject to discontinuance. In such an event, the customer be required to pay cash, credit card or certified funds to restore future service disconnections for a period of twelve (12) months from the date of the returned payment.

XI. Disputed Bills

If a customer disputes a water bill and exercises his or her right to appeal, the District will not disconnect water service for non-payment while the appeal is pending. Appeals shall be heard by the District Manager, or his/her designee. Once a determination on the appeal is made by the District Manager, the customer may subsequently request to appeal to the District's Board of Directors, but such a request must be done in a writing received by the District within ten (10) days of the District Manger's determination.