

DISCONNECTION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT

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| Approved by: | | Old Policy Number: | Policy Number: REV-1 |

1. **Purpose**

The purpose of this policy is to establish guidelines for the disconnection of residential water service for non-payment by the City of Santa Rosa ("City"). It provides for adherence to California Senate Bill No. 998 ("SB998") and outlines the requirements for disconnection of residential water service for non-payment.

2. **Requirements**

2.1 **Written Policy**

City will have a written policy on disconnection of residential water service for non-payment available in English, the languages listed in Section 1632 of the California Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy will be made available on the City's internet website and will include the following:

2.1.1 A plan for alternative payment arrangements

City shall offer alternative payment arrangements for any customer who is unable to pay for residential water service within the normal billing period. City may choose which of the alternative payment arrangements the customer undertakes and may set the parameters of that payment option, including whether customer is required to sign a written agreement. The alternative payment arrangement options include:

2.1.1.1 Amortization of the unpaid balance

An amortization plan will amortize the unpaid balance over a specific period of time, generally not to exceed three (3) months. The amortized payments will be subject to the due date of the customer's regular monthly billing statement. The customer must comply with the terms of the amortization plan and pay all current charges as they accrue in each subsequent billing period. The customer may not request another alternative payment arrangement of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan. Failure to comply with the terms of an amortization plan, including failure to make a payment thereunder when due, may result in the disconnection of residential water service as soon as the following business day without further notice, unless customer is covered by policy section 2.4.

2.1.1.2 Temporary deferral or extension of payment

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City may offer to extend the payment due date of unpaid charges for customer with verbal promise to pay. The payment extension cannot exceed the due date of the next billing statement. The customer may not request another alternative payment arrangement of any subsequent unpaid charges while paying delinquent charges pursuant to a deferral plan. Failure to comply with the deferral plan may result in the disconnection of residential water service as soon as the following business day without further notice unless covered by policy section 2.4.

2.1.2 Formal mechanism for a customer to contest or appeal a billing statement

Appeals are required to be in writing on forms prescribed by the City and must be received by the City within fifteen (15) days of the billing date. Appeals shall be reviewed and determined by the Director of the Water Department or his/her designee. Once a determination on the appeal is made, should the customer dispute the determination, the customer may subsequently request to appeal to the Board of Public Utilities by filing written notice of appeal within 15 days of the date of the determination with the Board Secretary. Any person aggrieved by any decision or determination of the Board of Public Utilities may appeal to the City Council by filing written notice of appeal within 15 days of the date of such decision or determination with the City Clerk (SRCC 14-04.170). Failure at any point to file a timely appeal will render the last decision final. If a customer or any adult at the residence disputes the billing statement and exercises their right to appeal, the City will not disconnect residential water service for non-payment of the disputed amount while the appeal is pending. Customer must continue the timely payment of all non-disputed amounts due during the appeals process.

2.1.3 Telephone number to contact City to discuss options for averting disconnection of residential water service for non-payment

The Water Billing Department may be reached at (707) 543-3150 between the hours of 8:00 AM to 5:00 PM, Monday through Friday. This phone number is printed on the billing statement, courtesy notice, disconnect notice, and door tag. If contact is made via phone message to customer, the Water Billing phone number will be provided.

2.2 **Residential Water Service Disconnection Time Frame and Notification**

2.2.1 City shall not disconnect residential water service for non-payment until charges are at least sixty (60) days delinquent.

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2.2.2 The City will make a good faith effort to contact the customer in writing no less than seven (7) business days before the date residential water service is scheduled for disconnection.

2.2.2.1 The written disconnect notice will be mailed to the mailing address designated on the account. If the mailing address is not the service address, a door tag addressed to "Occupant" will be delivered to the service address. The written disconnect notice and the door tag will include the following, available in English, the languages listed in Section 1632 of the California Civil Code, and any other language spoken by at least ten (10) percent of the people residing in its service area:

- Customer's name and address
- The amount of the delinquency
- The date by which payment or alternative payment arrangements is required in order to avoid disconnection of residential water service
- A description of the procedure by which the customer may request an alternative payment arrangement
- A description of the procedure to petition for bill review and appeal
- City phone number and instructions on how the customer may obtain a copy of the City's written policy

2.2.2.2 If the written disconnect notice is returned by mail as undeliverable, and the City is unable to make contact with the customer by phone, the City will make a good faith effort to leave a door tag in a conspicuous location at the residence, as well as a copy of the written policy for disconnection of residential water service for non-payment.

2.3 **Disconnection of Residential Water Service Where Landlord-Tenant Relationship Exists**

2.3.1 City will make a good faith effort to inform occupants, by door tag, when the residential water service is in arrears and subject to disconnection at least seven (7) business days before service is disconnected. The door tag will advise the tenant occupants of their right to become customers of the City, to whom the service will then be billed, without being required to pay any amount due on the delinquent account. The City may require an occupant who becomes a customer to verify that the delinquent account holder is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, official property owner records, or rent receipts.

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2.4 **Low Income Customers With Medical Requirements for Water**

Customers who meet all of the following conditions shall be offered an alternative payment plan as defined in policy section 2.1.1 per California Health and Safety Code Section 116910(a):

- 2.4.1 The customer or tenant of the customer submits to City the certification of a “primary care provider”, as that term is defined by California Welfare and Institutions Code 14088 (1) (A), that disconnection of residential 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 water service is provided.
- 2.4.2 The customer demonstrates that they are financially unable to pay for residential water service within City’s normal billing cycle. To qualify as being financially unable to pay for residential water service within City’s normal billing cycle, the customer or any member of customers household, must be 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 must declare that the household’s annual income is less than 200 percent of the federal poverty level.
- 2.4.3 The customer is willing to enter into an alternative payment plan as defined in policy section 2.1.1
 - 2.4.3.1 If a customer meets the requirements set forth in sections 2.4.1 through 2.4.3 and an alternative payment plan is put in place, residential water service may be disconnected no sooner than five (5) business days after City posts a final notice of intent to disconnect service in a prominent and conspicuous location at the customer’s property when either of the following conditions are met:
 - The customer fails to comply with an alternative payment arrangement; or
 - While undertaking an alternative payment arrangement, the customer does not pay their current residential water service charges for 60 days or more.

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2.4.3.2 Once policy sections 2.4.1 through 2.4.3 are met, and pursuant to California Health and Safety Code section 116914 (a)(1):

- The Administrative Fee to reconnect during normal operating hours (8:00 AM - 2:30 PM) will be the lesser of \$50 (as may be adjusted annually pursuant to California Health and Safety Code section 116914 (a) (1)) or the actual cost of reconnection as set forth by resolution on Miscellaneous Fees and Charges by the City's Board of Public Utilities.
- The fee to reconnect during City nonoperation hours (before 8:00 AM and after 2:30 PM Monday through Friday and all day weekends and holidays), will be the lesser of \$150 (as may be adjusted annually pursuant to California Health and Safety Code section 116914(1)) or the actual cost of reconnection as set forth by resolution on Miscellaneous Fees and Charges by the City's Board of Public Utilities.

2.5 **Reconnection of Residential Water Service During Normal Operating Hours**

2.5.1 In order to reconnect residential water service that has been disconnected for non-payment, the customer must pay the following by 2:30 PM Monday through Friday on the business day they would like their service turned on:

- All delinquent charges,
- An Administrative Fee as adopted by resolution of the Board of Public Utilities, and
- A deposit equal to the average of two (2) months charges. After twelve (12) consecutive on-time payments or when service is stopped, the deposit will be applied to the account.

2.5.2 The City will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the regular working day.

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2.6 **Reconnection of Residential Water Service After Daily Cut-Off or When Office is Closed**

- 2.6.1 Satisfactory payment after 2:30 pm Monday through Friday, weekends, or holidays will be charged an after-hours Emergency Turn-On Fee as set forth in section 2.4.3.2 above. Service will not be restored after regular business hours unless the customer has been informed of the after-hours Emergency Turn-On Fee and has signed an agreement acknowledging the fee and agreeing to pay the subject fee. The after-hours Emergency Turn-On Fee is in addition to the Administrative Fee for disconnection. If the customer does not want to pay the after-hours Emergency Turn-On Fee, service will be restored before the end of the next regular working day.

2.7 **Returned Payments for Previously Disconnected Services**

- 2.7.1 In the event a payment for the reconnection of water service is returned or reversed for any reason, the City may promptly disconnect service without providing further notice. City will endeavor to provide a forty-eight (48) hour door tag notice of termination as a courtesy.
- 2.7.2 If payment for reconnection of service is returned or reversed, all further payments for the account will be required in cash or certified funds for a period of twelve (12) months from the date of the returned payment.

2.8 **Delinquent Fee**

- 2.8.1 If payment for a water bill is not received within thirty-five (35) days of the billing date, a delinquent fee of ten percent (10%) of the delinquent balance will be assessed to the account and will appear on the next billing statement. This fee will be charged to the account's most recent past due balance, unless covered by policy section 2.4. The City assumes no responsibility for mailing address, telephone or email contact information that has not been kept up-to-date by the customer.

2.9 **Annual Reporting**

- 2.9.1 City will annually report on City's Internet Web site and to the State Water Resources Control Board, the number of residential service

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disconnections for an inability to pay.

2.10 Unauthorized Action

- 2.10.1 This policy does not apply to City's disconnection of water service due to an unauthorized action of a customer, such as water waste.