

BODEGA BAY PUBLIC UTILITY DISTRICT DISCONTINUATION OF RESIDENTIAL WATER SERVICE POLICY

Purpose/Background

This policy details the Bodega Bay Public Utility District's (District) administrative action for the collection of delinquent accounts, including notifications, fee assignments and discontinuation of water service. This policy is intended to further implement Ordinance 40 and comply with all aspects of the Water Shutoff Protection Act (SSB 998).

District staff can be contacted in person at the main office at 265 Doran Park Road or by phone at (707) 875-3332 to discuss options for avoiding discontinuance of residential water services for non-payment under the terms of this policy.

A copy of this policy is available to the public on the District website and in writing upon request. This policy is available in English, Spanish, Vietnamese, Korean, Chinese, and Tagalog.

Delinquent Account

The District water charges are due and payable at the office of the District on the date of mailing the bill and delinquent on the twentieth day of the month following the month in which the bill was sent. The following rules shall apply to the collection of delinquent accounts:

Small Balance Account: Any balance on a bill of \$20 or less may be carried over, and added to, the next billing period without being assessed a late fee or incurring further collection actions.

Late Charges: Any bill not paid within 20 days after the date the bill was rendered shall be delinquent and a penalty of 10% of delinquent amount shall be collected along with the principal amount.

Late Charges with an Alternative Payment Agreement: Late charges will not be assessed on unpaid balances that are the subject of an alternative payment agreement or on unpaid balances that were the subject of an unsuccessful appeal and which are paid, in full, within 5 days following the appeal.

Waiver of Late Charges: At the request of the customer, the District will waive the late charge if there are extenuating circumstances, or if the customer's annual household income is less than 200 percent of the federal poverty level, and the customer has not been assessed a late charge for delinquent payment in the preceding 12 months.

Amortization Plan Arrangements: Any customer who is unable to pay for water service within the normal payment period may request an amortization plan to avoid disruption of service. The District will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted.

Alternative Payment Agreements:

- A. Any and all alternative payment agreements must be requested by the customer prior to the scheduled date of service discontinuance (shut-off). Alternative Payment Agreements include:
1. **Alternative Payment Arrangements:** Any customer who is unable to pay for water charges within the normal payment period may request an alternative payment arrangement or a temporary deferral of payment to avoid late charges or disruption of services. The District shall not discontinue water service for non-payment if a customer has requested and entered into an alternative payment arrangement.
 2. **Payment Amortization:** 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 an extended period agreed to by the District, not to exceed 12 months from the original date of the bill. The amortized payment amount and the current payment must be received by the District by the twentieth day of the month when due. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period.
 3. **Partial Reduction of Unpaid Balance:** Request of partial reduction of the unpaid account balance must be presented in writing to the District Main Office (PO Box 70, Bodega Bay, CA 94923). Only one request per customers may be presented within a twelve month period.
- B. Only one active alternative payment agreement may exist on an account at any given time. A customer will not be eligible to participate in any alternative payment agreements if they have failed to comply with the terms of a prior alternative payment arrangement within the previous 12 month period.
- C. Failure to comply with the terms of any alternative payment agreement listed above will result in the account being subject to service discontinuance. Service will be discontinued under either of the following circumstances: the customer fails to comply with the terms of an alternative payment agreement for 60 days or more; or while undertaking an alternative payment agreement the customer does not pay their current residential service charges for 60 days or more.
- D. The District may choose which of the payment arrangement options the customer undertakes and may set the parameters of the payment option.

Written Disconnection Notice: Notwithstanding anything to the contrary in Ordinance 40, the District shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least 60 days. The District will make a reasonable, good faith effort to contact the customer 15 days before discontinuation of water service for non-payment. The written 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 address to "Occupant". The written discontinuation notice will include:

- Customer's name and address.
- Amount of the delinquency.
- Payment deadline to avoid termination of services.
- The process to apply for a payment extension.
- The process to petition for bill review and appeal.
- The process to apply for an alternative payment arrangement, an amortization plan, or partial reduction of unpaid balance.
- The District's contact and phone number.

A. Notice to Residential Tenants/Occupants in 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 discontinuation at least 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 be waived the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments.

B. Notice to Tenants/Occupants in a Multi-Unit Complex Served through 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 discontinuation at least 10 days before water service is shut off. The written notice will advise the tenant/occupant that they will 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 services 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 discontinuation notice is returned through the mail as undeliverable or if the service address does not receive mail at that service address, the District will make a reasonable, good faith effort to visit the residence and leave a notice of discontinuation of water service for non-payment.

The District assumes no responsibility for phone or other contact information that has not been kept up-to-date by the customer.

Water Service Discontinuation:

- A. Final Disconnection Notice: Failure to comply with the terms of an alternative payment agreement for 60 days or more or failure to pay current residential services for 60 days or more will result in the issuance of a final disconnection notice. The final disconnection notice will be in the form of a door hanger delivered to the service address no less than 5 days in advance of discontinuance of water service.
- B. Forty-eight Hour Notice of Termination: The District will make a reasonable, good faith effort to notify the customer 48 hours in advance of discontinuation of water service for non-payment by the phone number on the account. The 48 hour courtesy call is meant entirely as a courtesy and failure of the District to call or failure by the customer to receive the call shall not constitute an acceptance reason for non-payment or delay disconnection.
- C. Disconnection Deadline: All delinquent water service charges and associated fees must be received by the District by 4:00 PM on the day specified in the written notice. Any customer's account which remains unpaid and without an alternative payment agreement beyond the due date of the final notice will be subject to water service discontinuation. All alternative payment agreement requests or requests for appeal must be received by the District Main Office (PO Box 70, Bodega Bay, CA 94923) by 4:00 PM on the day specified in the written disconnection notice.
- D. Disconnection of Water Service for Non-Payment: The District will discontinue water service by turning off, and in some cases locking off, the meter on the date specified on the written notice. The customer will be charged a reconnection fee up to \$100.
- E. District Field Staff: Are unable to make payment arrangements or accept payments.

Water services shall not be shut-off to a resident if ALL of the following conditions are met:

- a) The customer submits to the District the 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 residential service is provided.
- b) The customer demonstrates they are 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.

- c) The customer is willing to enter into an amortization agreement, alternate payment schedule, or a plan for deferred or reduced payment, consistent with written policies of the District.
- d) It is the customer's responsibility to submit the documentation listed above to the District in a timely manner. If information is not submitted in a timely manner or is incomplete the District will provide a new discontinuation notice.

Water Service Reconnection: In order to resume or continue water service that has been disconnected for non-payment, the customer must pay a reconnection fee of up to \$100. Customers who demonstrate to the District that they have a household annual income of less than 200 percent of the federal poverty level shall be subject to a reconnect fee of \$50 during normal business hours (this amount shall increase annually on January based on the change in the consumer price index). The District will endeavor 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, delinquent fees attributable to the termination of service. Water service that is turned on by any person other than District personnel or without the District's authorization may be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.

Water Service Reconnection after Business Hours: There may not be District personnel available to handle an after-hour reconnection. If available, service restored after 3:30 PM Monday-Friday, weekends, or holidays will be charged an after-hours reconnection fee of up to \$150. The after-hours reconnection fee is in addition to the regular reconnection fee and past-due charges for a delinquent account.

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 mail of the returned payment. Water service will be disconnected if the amount of the returned check and the returned check charge are not paid on or before the specified date in the notice. All amounts paid to redeem a returned check and to pay the returned check charge must be in cash, credit card (only online), or cashier's check. In the event a customer's check or online payment is returned by the bank unpaid 3 times within a 12 month period the District will notify the customer informing that only cash, credit card (online only), or cashier's check will be accepted as payment for a period on 12 months from the most recent returned payment. The returned check charge ranges from \$5 to \$12.

Returned Checks for Previously Disconnected Services: 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 services, the District will consider the delinquent account unpaid and may promptly disconnect service without providing further notice. Any customer issuing a non-negotiable check as payment to restore water service disconnect for non-payment will be

required to pay cash, credit card (online only), or cashier's check to restore future service disconnections for a period of 12 months from the date of the returned payment.

Appeals Process: If the customer wishes to appeal all or part of the account balance, a written request for such must be presented to the District Main Office. The written request must include the customer's contact information, the amount requested for appeal, and the explanation and reasoning for the request. The written request must be received within 60 days of the issuance of the bill the customer wishes to appeal and prior to the scheduled date of service discontinuance. For purposes of the appeal, disputed water charges are presumed valid. It is the customer's responsibility to demonstrate otherwise. While an account appeal is pending, no additional late charges will be applied to the account balance. The District will also not discontinue water service for non-payment while the appeal is pending.

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