

Disconnection of Water Service for Non-Payment

Summary of Ordinance No. 2019-02, Section 7117.01

Policy is available at www.pphcsd.org & in the District office

Billing Schedule

Notice/Action	New Schedule
1 st Bill Issued	1 st of the month – If the 1 st is on a weekend or Holiday the bill will be mailed on last business of the previous month
Bill Due Date	15 th of the month- Payment is due and account becomes delinquent if not paid by this date
Past Due Notice (may be remove if not required)	19+ days after the original bill issued on or about the 20 th of the month
2 nd Bill Issued	1 st of the following month- Past due amount will be noted on this bill
3 rd Bill Issued	1 st of the following month- Past due amount subject to disconnection will be noted on this bill
Penalty Due Date	3 rd or 4 th Monday of the month
Intent to Disconnect Telephone Call	7 days before disconnection date
Disconnection Courtesy Call	1 day before disconnection
Disconnection of Service	60 days after bill due date, 75+ days from original bill issuance

Need more time to pay?

We are here to help. See the below noted options offered by the District.

1. **Deferred payments**- Each account is eligible for 2 extensions per year.
2. **Alternative payment schedule**- Contact the District office to set up a payment agreement.
3. **Amortization**- Customers meeting requirements may be eligible to amortize a bill over a period not to exceed 12 months.
4. **Reduced payment**- Each account is eligible for a one-time disconnection fee waiver and a one-time late fee waiver for the life of the account.
5. **Appeal your bill**- All bill appeals will be reviewed by the General Manager.

As always, if there are any questions please contact the District office at 760-868-1212.

Discontinuance Policy from Ordinance No. 2019-02

7117.01 **Disconnection of Water Service for Nonpayment** – Water service shall be discontinued if payment for water service is not made within sixty (60) calendar days of the date the bill becomes delinquent. At least forty-eight (48) hours prior to termination, the District will make a reasonable good faith attempt to notify the resident of the affected property by telephone or in person. At no time shall the District initiate the discontinuance of water service at a time when the District offices are closed, or on a Saturday, Sunday or legal holiday (Government Code Section 60374). The Written Policy for Discontinuance of Water Service for Nonpayment is as follows:

7117.01.1 **Written Policy** – Section 7117.01 of this Policy shall serve as the District’s Written Policy for the Discontinuation of Water Service for Nonpayment (HSC 116906(a)).

7117.01.2 **Translations** – Translations of the District’s Written Policy for the Discontinuation of Water Service for Nonpayment and all written notices shall be available in English and in the languages listed in Section 1632 of the Civil Code at the District offices, on the District website, and shall be made available with notices as required (HSC 116922).

7117.01.3 **Disconnection for Nonpayment** – The District shall not disconnect/shut-off/discontinue water service for nonpayment until the account has been delinquent for at least sixty (60) days (HSC 116908 (a) (1) (A)).

7117.01.4 **Customer Contact** – If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the District shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place, a notice of imminent discontinuation of service for nonpayment along with a copy of the District’s Policy for Disconnection/Discontinuance of Water Service for Nonpayment (HSC 116908 (a) (2)).

7117.01.5 **Reconnection of Service** – Customers whose water service has been disconnected may contact the District by telephone or in person regarding reconnection of water service. Restoration of water service will be subject to payment of all delinquent charges on the account plus any additional fees or charges resulting from the disconnection and reconnection process, plus any deposits that may be required by the District (HSC 116912).

7117.01.6 **Notices**

7117.01.6.1 **Notice of Delinquency Pursuant to Government Code Section 60373**

(a) The District may not terminate residential service on account of nonpayment of a delinquent account unless the District first gives

notice of the delinquency and impending termination, at least ten (10) days prior to the proposed termination, by of a notice mailed, postage prepaid, to the customer to whom the service is billed not earlier than nineteen (19) days from the date of mailing the District's bill for services, and the ten (10) day period shall not commence until five (5) days after the mailing of the notice (Government Code Section 60373 (a)).

(b) The District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight (48) hours prior to any termination of service except that whenever telephone or personal contact cannot be accomplished, the District shall give, by mail or by posting in a conspicuous location at the premises, a notice of termination of service, at least forty-eight (48) hours prior to termination (Government Code Section 60373 (b)).

(c) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information in a clear and legible format (Government Code Section 60373 (c):

(1) The name and address of the customer whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment is required in order to avoid termination.

(4) A description of the process to apply for an extension of time to pay delinquent charges.

(5) A description of the procedure to petition for bill review and appeal.

(6) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges.

(7) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the unpaid charges, consistent with the written policies set forth in Section 7117.01 hereof.

(8) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

(9) The telephone number of a representative of the District who can provide additional information or institute arrangement for payment.

(d) If a residential customer fails to comply with an amortization, the District shall not terminate service without giving notice to the customer at least forty-eight (48) hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the District (Government Code Section 60373 (d)).

(e) No termination of service may be effected without compliance with this Section 7117.01.6.1, and any service wrongfully terminated shall be restored without charge for the restoration of service (Government Code Section 60373 (e)).

7117.01.6.2 **Notice of Impending Discontinuance of Water Service Pursuant to HSC 116916**

(a) Notification of impending discontinuation of water service shall be by telephone. No less than seven (7) business days before disconnection of water service for nonpayment, the District shall contact the customer named on the account by telephone of any delinquency and impending disconnection of water service. Additionally, the District shall offer to provide, in writing to the customer, the policy on discontinuation of service for nonpayment. The District shall also offer to discuss options to avert discontinuation of service for nonpayment including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal (HSC 116908 (a) (1) (A) and (B)).

(b) All written notices that are provided pursuant to HSC 116916 shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by ten percent (10%) or more of the customers in the District's service area.

7117.01.7 **Landlord/Tenant Relationship** – The section applies to the relationship between occupants and the owner, manager, or operation of a dwelling (HSC 116916 (a))

& Government Code Section 60371).

7117.01.7.1 **Notice** – For water service provided to individually metered service to a single family dwelling or to a master meter or detached single family dwelling, a multi-unit residential structure, mobile home park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the District shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least ten (10) days prior to the termination (HSC 116916 (b) & Government Code Section 60371).

7117.01.7.2 **Occupants Right to Become Customer** – The District shall inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account (HSC 116916 (b) & Government Code Section 60371).

7117.01.7.3 **Terms** – The District is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the Districts rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, or if there is a physical means legally available to the District of selectively terminating service to those residential occupants who have not met the requirements of the Districts rules and tariffs, the District shall make service available to those residential occupants who have met those requirements (HSC 116916 (c) & Government Code Section 60371 (b)).

7117.01.7.4 **Proof of Legal Tenancy** – As one of the terms and conditions of service, in addition to the other conditions in the District’s Rules and Regulations, a tenant shall be required to provide proof of legal occupancy, such as a rental agreement, lease agreement, cancelled checks to the owner of record, and/or notarized document by the owner of record of the property, in order to be considered an acceptable applicant for water service (HSC 116916).

7117.01.8 **Customer Assistance**

7117.01.8.1 **Customer Complaint**

(a) Any customer may initiate a complaint or request an investigation into the charges on their water bill (Section 7116 of this Policy).

(b) Any customer who has initiated a complaint or requested an investigation within five (5) days of receipt of the disputed bill, or who has, within thirteen (13) days of mailing the notice of pending disconnection, made a request for extension

of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period of payment, shall be given an opportunity for review of the complaint, investigation, or request by the acting review manager of the District.

(c) The review shall include consideration of whether the customer shall be permitted to amortize the payment of all charges needed for the restoration of the water service over a period of time not to exceed twelve (12) months.

(d) The District shall not discontinue water service during the pendency of an investigation by the District of a customer dispute or complaint.

7117.01.8.2 Appeal

(a) Any customer whose complaint or request for an investigation pursuant to a customer complaint has resulted in an adverse determination by the General Manager or their designee may appeal the determination to the Board (Section 7102.12 and 7116.04 of this Policy).

(b) The customer must file a written notice of appeal with the District Secretary not less than seven (7) days prior the Board meeting in writing of the date they wish to attend and the subject matter of the dispute. The customer may then present the complaint and any evidence in support of their position and ask for a decision by the Board.

(c) Determination of the Board is final; any subsequent dispute or complaint of the same disputed bill to the Board is not subject to appeal.

7117.01.8.3 Alternative Payment Options (HSC 116906(a)(1)-(2))

(a) Deferred payments (extension of up to two weeks) are available to customers two times each year. Applicable penalties will apply during the extension period.

(b) Reduced payments of a one-time disconnection fee waiver and a one-time penalty waiver are available to customers upon request. These waivers are available one-time over the life of the account.

(c) Alternative payment schedules may be offered to customers upon approval of the General Manager or their designee.

(d) **Amortization Agreement** – any customer meeting the requirements of Section 7117.01.10 of this Policy shall, upon customer request, be permitted to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period of payment.

(1) Upon receipt of evidence submitted by the customer that they meet the requirements of Section 7117.02.09 of this Policy, the District will, within seven (7) business days, notify the customer of the amortization terms, and request the customer's signed assent to participate in the amortization, request additional information, or notify the Customer that they do not meet the qualifications of an amortization agreement.

(2) The District may disconnect water service if a customer that has been granted an amortization agreement under this section fails to comply with and pay any amortization amount due under the terms and schedule of the amortization agreement and keep the account current as charges accrue in each subsequent billing period.

(3) The District will contact the customer by telephone with a final notice of intent to disconnect service no sooner than seven (7) business days prior to disconnection of water service. The final notice will not entitle the customer to any investigation or review by the District.

7117.01.9 **Exemptions to Disconnection of Water Service for Nonpayment**

7117.01.9.1 – The District shall not disconnect water service for nonpayment if ALL of the following conditions are met (HSC 116910):

(a) The customer, or a tenant of the customer, submits to the District the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of 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 that 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, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided in Section 7117.01 of this Policy, with respect to all delinquent charges.

7117.01.9.2

(1) If the conditions listed in Section 7117.02.9.1 are met, the District shall offer the customer one or more of the following options:

- (a) Amortization of the unpaid balance.
- (b) Participation in an alternative payment schedule.
- (c) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
- (d) Temporary deferral of payment.

(2) The District may choose which of the payment options described in paragraph (1) the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within twelve (12) months. The District may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

(3) Residential service may be discontinued no sooner than five (5) business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

- (a) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for sixty (60) days or more.
- (b) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for sixty (60) days or more.

7117.01.10 **Low Income Provisions**

7117.01.10.1 – For a residential customer who demonstrates to the District an urban and community water system household income below two hundred percent (200%) of the federal poverty line, the urban and community water system shall do both of the following:

- (a) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual

adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(b) Waive any interest charges levied by the District on delinquent bills once every twelve (12) months.

7117.01.10.2 – The District shall deem a residential customer to have a household income below two hundred percent (200%) of the federal poverty line 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 Women, Infants, and Children, or the customer declares that the household's annual income is less than two-hundred (200%) percent of the federal poverty level.

7117.01.11 **Other Remedies** – In addition to disconnection of water service, the District may pursue any other remedies available by law or equity for nonpayment of water service charges, including but not limited to:

(a) **Liens** – Securing delinquent amounts by filing liens on real property

(b) **Claim** – Filing a claim or legal action.

(c) **Collections** – 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 payment of all costs and expenses, including attorneys' fees.

7117.01.12 **Security Deposit** – Upon disconnection for nonpayment of water service, any security deposit shall be surrendered to the District up to the amount owed to the District. The requirement to deposit a security deposit shall be based solely upon the credit worthiness of the applicant as determined by the General Manager or their designee.

7117.01.13 **Termination of Assignment** – Assignee of a customer account whose water service has been disconnected for nonpayment shall no longer be deemed eligible for assignment of the account; assignment of the customer account will be terminated and the customer account shall revert to the owner.

7117.01.14 **Disconnection & Reconnection Service Charges**

(a) **Disconnection Charge** - A disconnection charge shall be charged to the customer account when the water service is disconnected. Water service will not be disconnected when District offices are not open to the public.

(b) **Reconnection Charge** - A reconnection charge shall be charged to the customer account to re-establish service after it has been disconnected for nonpayment. The charge shall be up to triple the rate for reconnection after normal business hours. These fees shall be in compliance with Section 7117.01.10.1(a) of this Policy, and shall be subject to the annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

7117.01.15 **Posting Requirements** – The policy set forth in Section 7117.01 of this Policy shall be available on the District’s website and in the District office.

7117.01.16 **Reporting Requirements** – The District shall report the number of annual discontinuations of residential service for inability to pay on the District’s Internet Web site and to the board. The Board shall post on its Internet Web site the information reported.

7117.01.17 **Duplication & Inconsistency** – Where provisions of existing law are duplicative of Section 7117.01 of this Policy, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of Section 7117.01 shall apply. Nothing in this section shall be construed to limit or restrict the procedural safeguards against the disconnection of residential water service existing as of December 31, 2018.

7117.01.18 **Unauthorized Actions & Termination of Service** – Section 7117.01 of this Policy does not apply to the termination of a service connection by the District due to an unauthorized action of a customer.