

CITY DISCONTINUATION OF RESIDENTIAL SERVICE POLICY

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CITY DISCONTINUATION OF RESIDENTIAL SERVICE POLICY

A. DETAILS AND AVAILABILITY OF POLICY

This policy applies to the discontinuation of water service to residences for nonpayment. “Residences” includes single-family dwellings, multifamily/multiunit structures, mobile homes, including, but not limited to, mobile homes in mobile home parks and farmworker housing. This policy does not apply to any non-residential service accounts, nor does it apply to termination of water service for any other reason. To the extent this policy conflicts with any City policies, this policy shall control. This policy is available on the City’s Web site: <http://www.cityofgrassvalley.com> in English and all languages listed in Section 1632 of the Civil Code. Customers can request a written copy of the policy by calling (530) 274-4350.

B. NOTICE OF DELIQUENCY AND DISCONTINUATION OF RESIDENTIAL SERVICE

The City will not discontinue residential service for nonpayment until a customer’s bill is delinquent for at least 60 days. The City will contact all customers and tenants named on the account at least fifteen business days before discontinuation of service. To make contact, the City will mail a written notice to the customer at the address listed on the account. If the customer’s listed address is different than the service address, notice will also be mailed to the service address. The notice will include the following information:

1. The customer’s name and address.
2. The amount owed.
3. The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.
4. A description of the process to apply for an extension of time to pay the delinquent charges.
5. A description of the process to petition for bill review and appeal.
6. A description of the process by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges.
7. The telephone number where the customer may request a payment arrangement or receive additional information from the City.

If the written notice is returned as undeliverable, the City will attempt to contact the customer by telephone. If the City 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 City will make a good faith effort, at least 48 hours before termination of service, to visit the residence and leave a notice of imminent discontinuation of residential service for nonpayment and a copy of this policy.

If a door hanger is placed at the property, a door hanger fee will be charged in the amount of \$64.

C. CONTEST WATER BILL AND WAIVE INTEREST

Customers can contest a bill by calling (530) 274-4350 or going to (cityofgrassvalley.com) to obtain a water bill petition to appeal. The water bill petition to appeal must be completed and submitted to the City at 125 East Main Street, Grass Valley, CA 95945 or emailed to info@cityofgrassvalley.com by the due date listed on the notice of delinquency. Residential service shall not be discontinued while an appeal is pending.

If the City denies a timely contest, the customer may appeal the decision by filing a written notice of appeal with the City Clerk within ten (10) business days of the City mailing its determination. The City will appoint a hearing officer and mail the customer written notice of the time and place of the hearing at least ten (10) days before the hearing. The hearing officer will issue a written decision. The City Council will then take final action based on the hearing officers’ decision and any other information in the record. The decision of the City Council is final.

D. SEEK DEFERRED PAYMENTS OR ALTERNATIVE PAYMENT SCHEDULES

Customers can seek deferred payments by calling (530) 274-4350. A deferred payment schedule, if offered by the City, must be undertaken before the water bill due date in order to extend the due date and avoid disconnection of service for nonpayment.

Deferred payments:

Customers may request extension of a bill's due date by calling (530) 274-4350 at any time **before** the due date. Accounts granted due date extensions will not be assessed penalties, provided the customer makes the arranged date extension payments on time and does not become delinquent with the current service charges. After the due date is extended, the customer will avoid disconnection if he or she makes the arranged date extension payments on time and does not become more than 60 days delinquent on any future service charges.

The City will not give due date extensions if the customer is already on an alternative payment arrangement or has already received a due date extension within the last 12 months. The due date cannot be extended beyond the due date of the next bill. It is within the City's sole discretion to grant an alternative payment schedule.

Alternative payment schedules:

Customers may request an alternative payment schedule by calling (530) 274-4350. Alternative payment schedules must be requested by the appeal due date printed on the notice of delinquency. Payment arrangements **will not** be granted on the day of disconnection.

Alternative payment schedules must meet the following requirements:

1. Alternative payment schedules will only include the past due balance.
2. Customer cannot currently be on an alternative payment arrangement or due date extension.
3. Balances due to returned checks cannot be put into arrangements.
4. Balances transferred from another account cannot be put into arrangements.
5. The customer must provide a good faith payment of at least 25% of the past due balance.

If an alternative payment schedule is broken, the customer shall not be eligible for another payment arrangement for 12 months from the date of the broken arrangement, and only with the City's approval. Except as described in Section E of this Policy, it is within the City's sole discretion to grant an alternative payment schedule.

Failure to Comply:

The City may discontinue water service to a customer who has been granted a deferred payment or alternative payment schedule if:

1. The customer fails to comply with the granted alternative payment schedule or deferral in payment plan for delinquent charges for 60 days or more; or
2. While undertaking the granted alternative payment schedule or deferral in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

The City will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. This notice will not entitle the customer to any investigation or review by the City.

E. DEMONSTRATE MEDICAL NEED AND SEVERE ECONOMIC HARDSHIP

The City will **not** discontinue residential water service for nonpayment if **all** the following conditions are met:

1. the Customer submits a complete medical need and severe hardship application

2. The customer demonstrates that he or she is financially unable to pay for residential service within the normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the City'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.
3. The customer is willing to enter into an alternative payment schedule or deferral in payment plan.

The qualify under this Section, customers must submit a completed application demonstrating medical need and severe economic hardship. Customers may call (530) 274-4350 or go to <http://www.cityofgrassvalley.com> to obtain the application form. The City will review the documentation and: (1) explain to the customer what payment arrangement will be offered and request the customer's assent to participate in it; (2) request any necessary additional information from the customer; or (3) notify the customer that he or she does not meet the required medical or financial conditions. Customers cannot request payment arrangements on the day of disconnection. If the conditions listed above are met, the City shall offer the customer an alternative payment schedule but retains discretion to set the parameters of the alternative payment schedule.

F. RESIDENTIAL OCCUPANTS

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

Individually Metered Residential Service:

If individually metered residential service is supplied to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp, and the owner, manager, or operator of such is the customer of record, the City shall make every good faith effort to inform the residential occupants, by means of written notice at least 15 days prior to the termination, when the account is past due, that service will be terminated.. The written notice shall also 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. Residential Occupants can call (530) 274-4350 to arrange to become customers and must be willing to agree to the City's terms and conditions of service and other requirements.

If the property is in a "disconnect" status, the new customer will need to provide a lease agreement or other proof of legal occupancy to the City office before moving forward.

Master-Metered Residential Service:

For master-metered residential service, the City will make a good faith effort to inform the occupants, by means of written notice at least fifteen (15) days prior to termination, stating that the account is past due, and the service will be terminated on the date specified in the notice. The notice will also specify what the occupants are required to do in order to prevent termination of, or to reestablish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the City who can assist the occupants in continuing service; and the address or telephone number of a qualified legal services project that has been recommended by the local county bar association.

If it is not reasonable or practicable to post the notice on the door of each unit, the City will post two (2) copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice will inform the residential occupants that they have the right to become customers of the City without being required to pay the amount due on the delinquent account; provided, however, that the occupants agree to the City's terms and conditions of service and other requirements.

If a resident is not the owner of a property but wishes to have their name added to the service account, they can call (530) 274-4350 or visit (cityofgrassvalley.com) to obtain the Secondary Account Holder form.

Service will not be made 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 City's 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 City, or if there is a physical means legally available to the City of selectively terminating service to those residential occupants who have not met the requirements of the City's rules and tariffs, the City shall make service available to those residential occupants who have met those requirements.

For the amount due on the delinquent account to be waived, the occupant who becomes a customer will be required to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

G. RESTORE SERVICE

Once services have been discontinued for non-payment, customer must call (530) 274-4350 to restore services. Each residential customer whose services have been disconnected will be charged:

- A disconnection fee of \$23, applied on disconnection day.
- A penalty charge of 25% of the delinquent balance, applied on disconnection day.
- A reconnection fee of \$23 during the City's regular hours of operation, and \$150 during nonoperational hours, applied on the date service is reconnected.

If the customer demonstrates household income below 200 percent of the federal poverty line:

- Reconnection fees are reduced to \$50 during the City's regular hours of operation, and \$150 during nonoperational hours.
- Interest charges will be waived on delinquent bills once every 12 months.
- Reconnection fees are adjusted annually based on the Consumer Price Index.

The City will only reconnect service when the delinquent balance, disconnection fee and penalty charge are paid in full. A new account must be processed if service has been discontinued for at least 10 days.

H. ANNUAL REPORTING OF DISCONTINUED SERVICES:

The City will report the number of annual discontinuations of residential service for inability to pay on its Internet Web site and to the State Water Resources Control Board.

I. REMEDIES NONEXCLUSIVE

In addition to discontinuation of water service, the City may pursue any other remedies available in law or equity for nonpayment of water service charges, including, but not limited to: securing delinquent amounts by filing liens on real property, filing a claim or legal action, or referring the unpaid amount to collections. If legal action is decided in favor of the City, the City shall be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.