

POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT

All County Service Area domestic water systems operated and managed by San Bernardino County Department of Public Works – Special Districts, Water and Sanitation Division (Special Districts), are not-for-profit municipal utilities. Effective February 1, 2020, this policy on Discontinuation of Residential Water Service for Non-Payment is set forth in accordance with Senate Bill 998 and pursuant to the Water Shut-Off Protection Act, Part 12, Chapter 6 of Division 104 of California Health and Safety Code.

This policy shall be made available on the Special Districts website. The Special Districts Utility Billing office can be contacted by phone at 760-955-9885 (or by email at customerservice@sdd.sbcounty.gov) to discuss options for averting termination of residential water service for nonpayment under the terms of this policy. This policy shall apply only to residential water service for nonpayment.

I. BILLING AND PAYMENT

A. When Bills Are Due

Bills for water service will be presented to each residential customer on a bi-monthly basis, unless otherwise provided. Bills for services are due and payable upon presentation and become subject to discontinuation of service if not paid within sixty (60) calendar days from the date of the bill.

B. How to Make a Payment

Payments can be made by mail, telephone, online or in person. The most current payment options available to customers may be viewed at <https://specialdistricts.sbcounty.gov/water-sanitation/customer-service/payment/> or may be requested by phone from Customer Service at (760) 955-9885. Partial payments are accepted but will not prevent disconnection of service if the account has a past due balance. It is the residential customer's responsibility to assure that complete payments are received by Special Districts in a timely manner.

C. Notification of Disposition of Returned Check or Credit Card Payment

Returned payments are subject to a returned payment fee of \$25.00 for a paper check and \$29.00 for electronic payments. A personal check will not be accepted for returned items. Payment must be made in the form of cash, a cashier's check, or a money order. Water service is subject to disconnection for non-payment of a returned item and associated fees.

D. Delinquent Account Service Charges

If payment for a bill is not received by the close of business on the 30th day after the bill is issued, or the following business day if the 30th is a weekend or a holiday observed by the County, Delinquent Account Service Charges will be assessed the following business day. On occasion, due to operational issues, the delinquent date will be later, but never sooner than this date. The delinquent date will be displayed prominently on each water bill. The delinquent date displayed on the water bill takes precedence should that date differ from this policy language. Delinquent Account Service Charges for a late payment are comprised of a 10% penalty on each original unpaid balance, plus 5% per month interest for each subsequent month of delinquency.

E. Waiver of Penalty and Interest

A residential customer who demonstrates the household's annual income is less than two hundred percent (200%) of the federal poverty level, may request a waiver of the delinquency penalty no more than once in a 12-month period. A residential customer who demonstrates the household's annual income is less than two

hundred percent (200%) of the federal poverty level, Special Districts may waive the interest portion of the Delinquent Account Service Charges once every 12 months for all customers.

II. DISCONNECTION OF RESIDENTIAL WATER FOR NONPAYMENT

A. Delinquent Account

Delinquent accounts are identified as any account that remains unpaid (and without a written payment arrangement) by close of business 30 days after issuance of the water bill, or the delinquent date indicated on the water bill, whichever is later.

B. Delinquency Period and Notification

- 1) Pursuant to the Water Shutoff Protection Act, Part 12, Chapter 6 of Division 104 of the California Health and Safety Code, Special Districts will not discontinue residential water service for non-payment until a payment by the customer has been delinquent for at least 60 days.
- 2) Special Districts will make a reasonable, good faith effort to contact the customer by telephone or in writing, as required by this Policy, but assumes no responsibility for contact information that has not been kept up to date by the customer, at least ten (10) business days before discontinuation of water service for non-payment. The written disconnection notice will be mailed to the mailing address designated on the account.
- 3) If the mailing address and the address of the property to which water service is provided are different, the notice also shall be sent to the address of the property to which residential service is provided, addressed to "Occupant." In addition, a doorhanger notifying residents of the impending disconnection of water service, along with a copy of this policy, will be posted at the property in a prominent location at least 48 hours before disconnection. The written disconnection notice and occupant notice will include the following information:
 - Customer's name and address
 - Amount that is past due
 - Date by which payment or payment arrangements are required to avoid discontinuation of service
 - Description of the process to apply for a payment arrangement
 - Description of the process to dispute or appeal a bill
 - Description of the procedure for the customer to obtain information on financial assistance, if applicable
 - Telephone number where customer may request a payment arrangement or receive additional information from the Special Districts
 - Web links to the Special Districts' collections and service restoration policies
- 4) Notice to Residential Tenants/Occupants in a Landlord-Tenant Relationship. Special Districts will make a reasonable, good faith effort to inform the occupants in landlord-tenant relationship, by means of a written notice when the water service account is in arrears and subject to disconnection at least ten (10) business 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 Special Districts without being required to pay the amount due on the delinquent account, as long as they can verify that the delinquent account customer of record is or was the landlord, manager or agent of the dwelling by providing a lease or rental agreement, rent receipts or other verification acceptable to the Special Districts. The Special Districts will also deliver a doorhanger notice to the property at least 48 hours before disconnection of water service. The tenant/occupant must also be willing to assume financial responsibility for subsequent

charges for water service at that address and comply with the application requirements for new water service, including payment of fees.

- 5) Written Notice Returned Undeliverable. If the written disconnection notice is returned through the mail as undeliverable, the Special Districts will attempt to contact the customer by phone using the contact information on the account provided by the customer informing them of the impending disconnection and offer to provide a copy of the disconnection policy and discuss options to avoid service disconnection including alternative payment options. Pursuant to Section II.B.2, above, the Special Districts will also make a reasonable, good faith effort to visit the residence and leave a doorhanger notice of imminent discontinuation for non-payment, along with a copy of this policy.

C. Disconnection of Water Service for Non-Payment

- 1) Special Districts may discontinue residential water service no sooner than five (5) business days after posting a final notice of intent to disconnect service at the property being served under either of the following circumstances:
 - a. The customer fails to comply with payment arrangement of delinquent charges for 60 days or more.
 - b. While enrolled in the payment arrangement for delinquent charges, the customer does not pay his or her current residential water service charges for 60 days or more.
- 2) Special Districts will not disconnect water service on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the Special Districts are not open to the public. The water service will be disconnected by locking the meter in the off position.
- 3) If a water meter that has been locked off by the Special Districts because of nonpayment is unlocked by any person other than a Special Districts employee, the Special Districts will re-lock the water meter to deter further theft of water. Customer, occupant, tenant or property owner will be charged a broken or tampered lock fee, in addition to all other charges, including damages and other charges due for service restoration before service is reinstated by the Special Districts.
- 4) Each service address account, whether active or inactive, will be billed the monthly meter connection charge as approved by the Board of Supervisors. If an account is disconnected for non-payment, the account will be transferred from active to inactive status, and the billing will continue.
- 5) Special Districts will not discontinue residential water service for nonpayment if ALL of the following conditions are met:
 - a. The customer, or a tenant of the customer, submits a certification from 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. Medical Waiver Form 998-A must be completed and submitted.
 - b. The customer demonstrates that he or she is financially unable to pay for residential service within the urban and community water system's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system's normal billing cycle. A customer may be deemed financially unable to pay if:
 - i. Any member of the customer's household is a current recipient of CalWORKs, CalFresh, State or local general assistance programs, Medi-Cal, Supplemental Security Income/State Supplementary

Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or

- ii. The customer declares that the household's annual income is less than two hundred percent (200%) of the federal poverty level.

To declare that the household annual income is less than two hundred percent (200%) of the federal poverty level, the customer must provide proof of participation in at least one of the above-listed programs; or must provide proof of income for all persons living in the household meeting the low-income requirements. Certification of Financial Hardship Form 998-B and Declaration of Household Income Form 998-B2 must be completed and submitted.

- c. The customer is willing to enter into an Alternate Payment Agreement as defined herein.

III. PAYMENT DEFERRALS AND ARRANGEMENTS

A. Alternative Payment Agreement, Arrangements, and Schedules

- 1) Requesting Alternative Payment Agreement, Arrangements, and/or Schedules

Any customer may request an alternative payment agreement, arrangements, and schedules to avoid disruption of service. Special Districts will consider all circumstances surrounding the request and determine whether the payment arrangement is warranted. Except as described in Section II.C.5 of this policy, it is within the Special Districts' sole discretion to grant an alternative payment arrangement. Alternative payment arrangements must be in writing and signed by the customer. Only one alternative payment arrangement per account will be authorized at a time.

- 2) Alternative Payment Arrangement, Arrangements, and/or Schedules

The Special Districts will not discontinue residential water service for nonpayment if all conditions of Section II.C.5 are satisfied. In such event, customer may enter into an amortization or alternative payment agreement, arrangement, schedule, or a plan for deferred or reduced payment, consistent with this policy, with respect to all delinquent charges.

An alternative payment arrangement spreads the unpaid balance over a longer period as determined by the Special Districts in consultation with the customer, not to exceed twelve (12) months from the date the payment arrangement is executed. The Special Districts Director or designee, at their reasonable discretion, may authorize a longer term to avoid undue hardship on the customer. An alternative payment arrangement will avoid disconnection of water service as long as the terms of the arrangement are met.

- 3) Failure to Comply with Alternative Payment Arrangements

The customer must comply with the terms of any alternative payment arrangement and remain current as charges accrue in each subsequent billing period. The customer may not request another alternative payment arrangement of any subsequent unpaid charges while paying charges pursuant to an alternative payment arrangement. Failure to comply with the terms of an alternative payment arrangement for sixty (60) days or more, including payment of current charges, will result in the issuance of a final notice of intent to disconnect service. The disconnection notice will be in the form of a doorhanger posted at the property in a prominent and conspicuous location no less than five (5) business days in advance of discontinuance of service.

IV. PROCEDURES TO CONTEST OR APPEAL A WATER BILL

A. Time to Initiate a Complaint, Request an Investigation, Contest or Appeal a Water Bill

A customer may initiate a review or appeal of their bill in writing before the delinquent date of the bill and the Special Districts will investigate. Such an appeal shall be made in writing and be delivered to the Special Districts Utility Billing office or by email at customerservice@sdd.sbcounty.gov. Water service shall not be discontinued while the appeal is pending. If the customer does not timely submit an appeal the water charges in question shall be immediately due and payable.

B. Appeal Review

- 1) If the investigation or review does not result in a resolution acceptable to the customer, the customer may seek appeal and review, by submitting a written statement within 10 days after the initial determination, to the Special Districts Manager. Upon timely receipt of the written statement, the Special District's Manager will determine if the investigation was thorough and complete in addressing the aspects of the billing dispute or appeal. The Special Districts Manager will make his or her determination and communicate the decision to the customer in writing, which may be further subsequently appealed, by submitting a written statement within 10 days after the Special District's Manager's decision, to the Director.
- 2) If water charges are determined to be incorrect, an adjustment will be made to the account and payment of the revised charges will be due within ten (10) calendar days of the adjustment. If the revised charges remain unpaid for more than sixty (60) calendar days after the initial bill date or ten (10) calendar days after the adjustment, whichever is later, water service will be disconnected on the next regular working day.
- 3) If the water charges in question are determined to be correct, the water charges are due and payable at the time the decision on the appeal is rendered.

V. RESTORATION OF SERVICE

A. Re-establishment of Service

In order to resume service that has been disconnected for non-payment, the customer must pay any disconnection fees; any current and past due water billing charges including interest or penalties; any reconnection fees, subject to the limitations in Section V.B, below. The Special Districts 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 as required in this Section. Water service that is turned on by any person other than the Special Districts personnel or without the Special Districts authorization may result in damage to the Special Districts' facilities and result in additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer or property owner and service will not be restored until such damages are paid.

B. Reconnection Fees

For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the reconnection fees will not exceed \$50 during normal business hours and \$100 during nonoperational hours (after-hours). The fees cannot exceed the actual cost of reconnection if that cost is less than the statutory caps. The caps may be adjusted annually due to changes in the Consumer Price Index.

VI. MISCELLANEOUS

A. Languages

This policy and written notices required by this policy shall be available and published in English, the languages listed in Section 1632 of the Civil Code, which include Spanish, Chinese, Tagalog, Vietnamese, and Korean, and any other language spoken by at least 10 percent of the people residing in the water service area.

B. Contact Information

A Special Districts Utility Billing office representative can be contacted by phone at 760-955-9885 (or by email at customerservice@sdd.sbcounty.gov) to discuss this policy as well as options for averting termination of residential water service for nonpayment under the terms of this policy.

C. Returned Checks for Previously Disconnected Service

If a customer tenders a non-negotiable check as payment to restore water service previously disconnected for non-payment and the Special Districts restores service, the Special Districts may promptly disconnect service without providing advanced notice.

D. Copy of Policy

If a customer cannot access a copy of this policy via the Special Districts' website, the Special Districts will mail or email a copy of the policy or make one available at the Special Districts' office at no charge upon request.

E. Termination of Service Related to Unauthorized Action

This policy does not apply to the termination of service due to an unauthorized action of a customer, such as violation of the Special Districts' Rules & Regulations.

F. Annual Reporting

The number of annual discontinuations of water service for non-payment will be reported on the Special Districts' website and reported to the State Water Resources Control Board.