

## Discontinuation of Water Service for Nonpayment Policy

### I. Purpose

The Big Bear City Community Services District (District) recognizes all Californians have the right to safe, accessible, and affordable water as declared by Section 106.3 of the State Water Code. In the event that a water bill becomes delinquent, the District will apply the following Discontinuation of Water Service for Nonpayment Policy (Policy). Discontinuance of water service for nonpayment is considered the final phase of the collection procedure and will be instituted only after sufficient notification, and when all other reasonable alternatives have been exhausted.

### II. Scope

This Policy applies to all District water service users. To the extent this Policy conflicts with any other rules, regulations, or policies of the District, this Policy will control.

### III. General Provisions

- A. All District users will pay a bimonthly water service and usage charge. Charges will become delinquent on the business day following the due date. All bills for water service are due and payable no less than fifteen (15) days after mailing by the District.
- B. A ten percent penalty will be applied to delinquent charges and a notice of discontinuation will be sent to the mailing address on file following a grace period of at least twelve (12) days after charges become delinquent.
- C. The District will attempt to contact the occupant of a property and provide notice of discontinuation of water service as provided in this Policy.
- D. The District will disconnect water service for charges that have become delinquent for a period of no less than sixty (60) days. A lock service charge will be applied to the account of any water service disconnected for nonpayment of delinquent charges. The District will leave notice of disconnection with information on how to restore water service.
- E. Customers whose water service has been discontinued may contact the District by telephone or in person regarding restoration of service. Restoration will be subject to payment of the delinquent charges, lock service charge, unlock service charge and established residential deposit if required by the District. The District may also require written request to restore service from the owner of the property. All payments must be made by cash or certified funds. Water service reconnections will be processed during normal business hours only.

#### IV. Notices

##### A. Written Notice to Customer

The District will provide a mailed notice to the customer of record at least thirty (30) days before discontinuation of water service. If this notice is returned through the mail as undeliverable, the District will attempt to contact the customer by telephone. The notice will contain:

- i. the name and address of the customer;
- ii. the amount of the delinquency;
- iii. the date by which payment or payment arrangements must be made to avoid discontinuation of service;
- iv. the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges;
- v. a description of the procedure by which the customer may request an amortization, reduction, or other alternative payment arrangement;
- vi. the procedure for the customer to obtain information on financial assistance, if applicable; and
- vii. the telephone number where the customer may request a payment arrangement or receive additional information from the District.

##### B. Posting of Notice to Occupants at Service Address

The District will make a reasonable, good faith effort to contact an adult person living at the service address by leaving a notice of imminent discontinuation of residential service in a conspicuous place at the service address at least ten (10) days before discontinuation of water service. The notice will be addressed to "Occupant," will contain the same notice information required above, and will also inform the residential occupants that they have the right to become customers of the District without being required to pay the amount due on the delinquent account. Terms and conditions for occupants to become customers of the District are provided in this Policy.

If notice pursuant to subparagraph A is returned through the mail as undeliverable, and the District is unable to contact the customer by telephone, the District will include a copy of this Policy with the Notice to Occupants at Service Address.

#### V. Customer Assistance

##### A. Bill Complaint or Review

Any customer may initiate a complaint or request an investigation by the

Finance Officer into the charges on their bill, any component of the bill or any service provided by the District within five (5) days of receipt of the disputed bill. The District will not disconnect water service during an investigation of a timely complaint or dispute. The Finance Officer's review will include consideration of whether the customer may receive an amortization, alternative payment schedule, or payment reduction under this Policy.

If the customer considers the results of the investigation by the Finance Officer to be unfavorable, they have the right to appeal the Finance Officer's decision to the District's Board of Directors. The customer must file a written notice of appeal with the District Secretary within ten (10) business days of the District's mailing of its determination. The District Secretary will set the matter to be heard at an upcoming Board meeting and mail the customer written notice of the time and place of the hearing at least ten (10) days before the meeting. The decision of the Board is final.

#### B. Bill Reduction

The District offers a Low Income Financial Assistance (LIFA) program to eligible customers for a reduction in bimonthly charges.

#### C. Bill Amortization

If a customer has an excessive bill due to a water leak and provides proof of repair, the District will consider a request to amortize the bill over a reasonable period of time, not to exceed twelve (12) months. The amortization schedule and amounts due will be set forth in writing and provided to the customer. During the amortization period, the customer must remain current on all water service charges in subsequent billing periods.

The District may terminate water service if the customer fails to pay an amortized amount due by the schedule date and the original amount due is delinquent by at least sixty (60) days. The District 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. The final notice will not entitle the customer to any investigation or review by the District.

#### D. Contact

Customers are encouraged to contact the Customer Service Department for further details regarding this policy or customer assistance options during business hours at (909) 585-2565. Customers may also visit the District's Customer Service desk in person Monday through Friday, from 7:30 a.m. to 4:30 p.m., except on District holidays.

## VI. When Service Will Not Be Discontinued

### A. General

The District will not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during which the District's office is not open to the public. In addition, the District will not discontinue residential water service for nonpayment during the District's investigation of a customer dispute or complaint; during an appeal to the District's Board of Directors; during a District-approved extension, amortization, alternative payment schedule, or reduction, if the customer remains in compliance with the payment arrangement.

### B. Special Medical and Financial Circumstances with Amortization Agreement

The District will not discontinue water service if all of the following are met:

- i. The customer, or a tenant of the customer, submits to the District the certification of a licensed primary care provider that discontinuation of 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 service is provided;
- ii. The customer demonstrates that they are financially unable to pay for residential service within the District's normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if: (a) any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, California SSI/SSP, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and
- iii. The customer is willing to enter into an amortization with respect to the delinquent charges.

For any customers who meet all of the above qualifications, the District will offer the customer amortization of the unpaid balance. The District's Finance Officer will select terms and conditions for the amortization.

The customer is responsible for demonstrating that the qualifications above have been met. Upon receipt of documentation from the customer, the District will review the documentation within seven (7) days and: (1) notify the customer of the amortization terms selected by the District and request the customer's signed assent to participate in the amortization; (2) request additional information from the customer; or (3) notify the customer that they do not meet the qualifications.

The District may discontinue water service if a customer who has been granted an amortization under this section fails to do any of the following for sixty (60) days or more: (a) to pay any amortized amount due under the amortization schedule; or (b) to pay his or her current charges for water service. The District 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. The final notice will not entitle the customer to any investigation or review by the District.

## VII. Procedures for Occupants or Tenants to Become Customers of the District

### A. Scope

This section only applies when a property owner, landlord, manager, or operator of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue water service due to nonpayment.

### B. Agreement to District Terms and Conditions of Service

The District will make service available to the actual residential occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the District's rules and regulations. Notwithstanding, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, the District will make service available to the occupants who have met those requirements.

### C. Verification of Tenancy

In order for the amount due on the delinquent account to be waived, an occupant who becomes a customer will 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, at the discretion of the District.

## VIII. Other Remedies

In addition to discontinuation of water service, the District 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. In the event a legal action is decided in favor of the District, the District will be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

IX. Discontinuation of Water Service for Other Customer Violations

The District reserves the right to discontinue water service for any violations of District ordinances, rules, or regulations other than nonpayment.

X. Fees and Charges Incurred

Except as otherwise expressly stated in this Policy, any fees and charges incurred by a customer under any other rules, regulations, or policies of the District, including, but not limited to, delinquent charges, will be due and payable as set forth therein.

XI. Decisions by District Staff

Any decision which may be taken by the District's Finance Officer under this Policy may also be taken by the General Manager or his or her designee.

XII. Translations

A. Policy

Translations of this policy in the languages listed in Section 1632 of the Civil Code are available at the District office or website.

- i. Please visit our office or website for a translation of this policy.
- ii. Visite nuestra oficina o sitio web para obtener una traducción de este política.
- iii. 请访问我们的办公室或网站，了解本政策的翻译。
- iv. Mangyaring bisitahin ang aming opisina o website para sa isang pagsasalin ng patakarang ito.
- v. Vui lòng truy cập văn phòng hoặc trang web của chúng tôi để dịch bản chính sách này.
- vi. 이 정책에 대한 번역은 저희 사무실이나 웹 사이트를 방문하십시오.

B. Notices

All written notices issued under this Policy will be available at the District office or website in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the District's service area.

XIII. References

- A. California Water Code div. 1, ch. 1, § 106.3
- B. California Health & Safety Code, div. 104, part 2, ch. 6, § 116900 *et seq.* (SB 998 [2018])
- C. California Government Code, tit. 6, div. 1, § 60370 *et seq.*
- D. California Civil Code div. 3, part 2, title 2, § 1632