
Avila Beach Community Services District



POLICY TITLE: DISCONTINUANCE OF WATER SERVICES DUE TO NON-PAYMENT
POLICY NUMBER: 3039

1. Purpose

This policy has been established to comply with Senate Bill 998, known as the “Water Shutoff Protection Act” and approved by the Governor on September 28, 2018 (California Health and Safety Code Sections 116900, et seq.). This policy shall be made available on the Avila Beach Community Services District’s website. The District’s offices can be contacted at (805) 595-2664 to discuss options for averting termination of water service for nonpayment under the terms of this policy. In the event of any conflict between this policy and any other ordinance, rule, regulation or policy of the District, this policy shall prevail. In the event of any conflict between this policy and state law, state law shall prevail.

2. Effective Date

This policy shall be effective on April 1, 2020.

3. Published Languages

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

4. Requirements Precedent to Discontinuing Water Service

- A. The District shall not discontinue water service for nonpayment until a customer has been delinquent for at least sixty (60) days. No less than seven (7) business days before discontinuation of water service for nonpayment, the District shall contact the customer named on the account by telephone or written notice.
- B. When the District contacts the customer named on the account by telephone pursuant to subparagraph (A), staff shall offer to provide this policy to the customer in writing. District staff shall offer to discuss options to avert discontinuation of water 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.

C. When the District contacts the customer named on the account by written notice pursuant to subparagraph (A), the written notice of payment delinquency and impending discontinuation shall be mailed to the customer at their address of record. If the customer's address is not the address of the property to which water service is provided, the notice shall also be sent to the address of the property to which service is provided, addressed to "Occupant." The notice shall include, but is not limited to, all of the following information in a clear and legible format:

- (i) The customer's name and address.
- (ii) The amount of the delinquency.
- (iii) The date by which payment, or arrangement for payment, is required in order to avoid discontinuation of water service, which shall be sixty (60) days from the date that the bill became delinquent, unless extended by the discretion of the General Manager.
- (iv) A description of the process to apply for an extension of time to pay the delinquent charges.
- (v) A description of the procedure to petition for bill review and appeal.
- (vi) A description of the procedure by which the customer may request a deferred, or alternative payment schedule, including an amortization of the delinquent water service charges.
- (vii) The District's phone number and web link to the District's written policy.

5. Good Faith Noticing Requirements

A. 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 water service for nonpayment and the District's policy for discontinuation of water service for nonpayment.

B. If the customer seeks review or appeal of their bill, the customer shall contact the District before the payment due date and the District will investigate. If the investigation does not result in a resolution acceptable to the customer, the customer may seek review of the General Manager and subsequently may appeal to the Board. The District will provide written notice of the time and place of the appeal at least seven (7) days before the Board meeting. The decision of the Board is final. The District shall not discontinue water service while the appeal is pending.

6. Prohibition Against Discontinuing Water Service

A. The District shall not discontinue water service for nonpayment if all of the following conditions are met:

- (i) 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 water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where water service is provided.

- (ii) The customer demonstrates that he or she is financially unable to pay for water service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for water 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 two hundred (200) percent of the federal poverty level.
- (iii) The customer is willing to enter into an amortization agreement, alternative payment schedule or a plan for deferred payment with respect to all delinquent charges.

B. If the conditions listed above are all met, the District shall offer the customer one or more of the following options:

- (i) Amortization of the unpaid balance.
- (ii) Participation in an alternative payment schedule.
- (iii) Temporary deferral of payment.

C. The General Manager is authorized to determine which of the payment options described in paragraph 6.B. the customer undertakes and may set the parameters of that payment option provided that the repayment of any remaining outstanding balance occurs within twelve (12) months. Payment arrangements must be made with the District by 5:00 PM the day before the scheduled disconnection date.

D. Water 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:

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

7. Restoration of Water Service

- A. If the District discontinues water service for nonpayment, it shall provide the customer with information on how to restore water service. For a residential customer who demonstrates to the District that the household income is below two hundred (200) percent of the federal poverty line, the District shall do both of the following:
 - (i) Set a reconnection of service fee, for reconnection during normal operating hours, in an amount that does not exceed fifty dollars (\$50).
 - (ii) Waive interest charges on delinquent bills once every twelve (12) months.
- B. The District shall deem a residential customer to have a household income below two hundred (200) percent 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.

8. Services Involving Landlord-Tenant Relationships

- A. If the District furnishes individually metered water service to residential occupants of a detached single-family dwelling, a multiunit 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. The written notice shall further 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.
- B. The District shall not 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 District's ordinances, resolutions, rules and regulations. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges on the account to the satisfaction of the District, including requirements which may include, but not be limited to, completion of a District application for service so that the General Manager, or designee, can evaluate whether the District is satisfied that the residential applicants can meet the terms and conditions of service, or if there is a physical means legally available for the District to selectively terminate service to those residential occupants who have not met the requirements of the District, the District shall make service available to those residential occupants who the District is satisfied can meet the terms and conditions of service.

9. Reporting Requirements

The District shall annually report the number of discontinuations of water service for inability to pay on the District's website and to the State Water Resources Control Board.

10. Limitations of this Policy

Nothing in this policy restricts limits or otherwise impairs the District's ability to terminate service to a customer for reasons other than those explicitly stated in this policy, including but not limited to, unauthorized actions of the customer.

11. Other Actions to Secure Collection of Delinquent Charges

- A. Pursuant to Government Code Section 61115(3)(C) the District may penalize a customer for the nonpayment of charges at a rate of ten percent (10%), plus an additional penalty of one percent (1%) per month for the nonpayment of the charges.
- B. Pursuant to Government Code Section 61115(b) the District may collect any delinquent charges and penalties on the tax roll in the same manner as property taxes.
- C. Pursuant to Government Code Section 61115, the Board of Directors authorizes the General Manager or designee to execute a certificate declaring the amount of the delinquent charges and penalties due and the name and last known address of the person liable for the delinquent charges and penalties, and to record said certificate in the office of the San Luis Obispo County Recorder in accordance with procedures established by the General Manager. Said procedures shall include a provision that recording the certificate can only occur after notifying the customer of the District's intent to do so.