



SEELEY COUNTY WATER DISTRICT
**Policy on the Procedure for the Discontinuance of Residential
Water Service for Delinquent Accounts**

Board Approved - March 30, 2020

(Effective April 1, 2020)

PURPOSE

The purpose of this Residential Water Disconnect Policy (“Policy”) is to establish guidelines for disconnection of residential water service for non-payment, pursuant to Senate Bill No. 998. The Policy does not apply to termination of service at the request of the residential water customer or to termination by the Seeley County Water District (“District”) due to unauthorized action of a residential customer or non-residential, such as commercial accounts.

POLICY

Section 1. Background

- 1.1 This Policy is adopted to satisfy the Seeley County Water District’s (District) obligations under California Government Code Section 60370 *et seq.*, California Public Utilities Code Section 10001 *et seq.* and Health and Safety Code Section 116900 *et seq.*, which govern the termination of certain utility service. Health and Safety Code Section 116900 *et seq.*, the Water Shutoff Protection Act enacted by SB 998, requires urban water suppliers and urban and community water systems, such as the District, to adopt a written policy regarding the discontinuation of residential service due to non-payment.
- 1.2 This Policy will be available and posted on the District's website (www.seeleywaterdistrict.com) in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language that is spoken by at least 10% of the residents in the service area.

Section 2. Payment for Residential Water Service

- 2.1 All water accounts are billed on the 1st day of the month, and every person receiving water service from the District is required to pay for such service within 20 calendar days of mailing of the statement or billing. Except as prohibited by statute, the District will have the right to discontinue water service for the failure to make complete and timely payment.

The District will not discontinue residential service for nonpayment until the subject account has been delinquent for at least 60 calendar days.

- 2.2 Any balance on a bill of \$20 or less may be carried over and added to the next billing period without being assessed a late fee or incurring further penalties.

Section 3. Delinquency Notice Fee

- 3.1 If payment for a bill is not received by close of business on the 21st calendar day after the bill date, the account is considered “Late” and a Late Penalty will be assessed as established in the District’s Schedule of Other Charges and Fees.

Section 4. General Manager Authority

- 4.1 By adoption of the Policy, the Board is authorizing the General Manager and their designee to exercise certain duties and responsibilities under this Policy that are essential for the operation of the District.

Section 5. Alternate Payment Arrangements

- 5.1 Any customer who is unable to pay for water service or any other fees assessed in accordance with the District’s Other or this policy and within the normal payment period may request a payment arrangement to avoid disruption of service. The District will grant a payment arrangement or amortization plan as specified in this policy for any customer who does not already have an active payment arrangement or amortization plan.
- 5.2 Payment arrangements that extend into the next billing period are considered an amortization plan, which must be in writing and confirmed by the customer. An amortization plan will amortize the unpaid balance over a period defined by the customer, not to exceed 12 months from date of the amortization agreement. The amortized payments may be combined with, and subject to the due date of, the customer’s future regular bills. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.
- 5.3 A customer who enters into and abides by an amortization or payment arrangement plan shall not be considered delinquent. Failure to comply with the terms of an amortization or payment arrangement plan will result in the customer being considered delinquent. The customer will then be subject to disconnection once the account is delinquent for 60 calendar days and additional arrangements or extensions will not be available for any new delinquent balance, and the customer will not be granted future alternative payment arrangements until the delinquent balance has been paid.

- 5.4 No less than 7 business days before disconnection, the District will make a good faith effort to contact the customer of pending disconnection by telephone, mail or email notice. In addition, a final Shut-Off Warning Notice will be provided by means of a door hanger delivered to the premises no less than 5 business days in advance of discontinuance of service.

Section 6. Notifications

- 6.1 As required by law, the District will notify the customer that the account remains past due and further collection action will be forthcoming. The means of notification will be by phone, mail, or notification at the premises. The District assumes no responsibility for phone, mail or email contact information that has not been kept up to date by the customer.

Section 7. Written Disconnection Notice

Any delinquent account that remains unpaid for 60 days (without having made a payment arrangement) is subject to a disconnection of service and water may be shut off.

- 7.1 The District shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least 60 calendar days.

At least 7 business days before discontinuation of water service for non-payment, the District will make a reasonable, good faith effort to contact the customer in writing about appeals, extensions, and alternative payment options if the customer has not already been informed of these services.

The Written Disconnection Notice will be mailed to the mailing address designated on the account and delivered or mailed to the service address, if different from the mailing address. The Written Disconnection Notice will include:

- a. Customer's name and address
- b. Amount that is past due amount (delinquency).
- c. Date by which payment or payment arrangements are required to avoid discontinuation of service
- d. Description of the process and procedure to apply for an amortization plan
- e. Description of the process to dispute or appeal a bill
- f. District's phone number and a web link to the District's Residential Water Termination Policy

If the delinquent account remains unpaid, or the customer has failed to contact the District to establish a payment arrangement by the end of the 7-day notice, a door hanger will be placed at the property notifying the customer 24 hours before disconnection of service.

- 7.2 Notice to Residential Tenants/Occupants in an Individually Metered Residence: The District will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least 10 calendar 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 District without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at that address.

In order for the tenant/occupant not to be charged for the delinquent amount, the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments and verify that the delinquent account holder was the landlord, property manager, or other agent of the property.

- 7.3 Notice to Tenants/Occupants in a Multi-Unit Complex Served through a Master Meter: The District will make a reasonable, good faith effort to inform the occupants, by means of written notice hung on the door of each residence, when the water service account is in arrears and subject to disconnection at least 15 calendar 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 District without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at the address(es) served by the master meter.

If one or more of the occupants are willing and able to assume responsibility for the subsequent charges for water service to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those occupants who have not met the requirements for service, the District will make service available to the occupants who have met those requirements.

If the Written Disconnection Notice is returned through the mail as undeliverable, the District will make a reasonable, good faith effort to contact the customer by phone, and to visit the residence and leave a notice of discontinuance for non-payment.

Section 8. Shut-Off Warning Notice

- 8.1 The District will make a reasonable, good faith effort to notify the customer in advance of disconnection of water service for non-payment as set forth in this Policy. The last means of notification will be in the form of a door hanger (Shut-Off Warning Notice) delivered to the premises no less than 5 days in advance of discontinuance of service. A Shut-Off Warning Notice Fee may be applied to an account for any such notice as established in the Schedule of Other Charges and Fees.

Section 9. Disconnection of Water Service

- 9.1 The District will disconnect water service by turning off and locking the meter.

Section 10. Re-establishment of Service

- 10.1 In order to resume or continue service that has been disconnected for non-payment, the customer must pay a Reconnection Fee, as established in the Schedule of Other Charges and Fees. The District will provide the customer with a copy of this policy; and reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next regular working day following payment of any past due amount and delinquent fees attributable to the termination of service. Water service that is turned on by any person other than District personnel or without District authorization may be subject to fines or additional charges or fees as established in the Schedule of Other Charges and Fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer. These fees include but are not limited to:
- a. The unpaid balance
 - b. Related penalties, and
 - c. A Reconnection Fee

Section 11. Re-establishment of Service After Business Hours

- 11.1 Service restored after 4:00 pm Monday through Friday, weekends, or holidays may be charged an outside of normal business hours Reconnection Fee, as established in the Other Charges and Fee Schedule.

Section 12. Notification of Disposition of Returned Payment

- 12.1 Upon receipt of a returned check (or other payment method) taken as payment of water service or other charges, the account shall be returned to the District's delinquency process as though no attempt was made to pay the balance due. The District will make a reasonable, good faith effort to notify the customer by phone, mail, or e-mail of the returned item and the account's delinquency status. All amounts paid to redeem a returned check and to pay a returned check charge (as specified in the District's Schedule

of Other Charges and Fees) must be in cash, credit card or certified funds.

Section 13. Returned Payment for Previously Disconnected Service

- 13.1 In the event a customer tenders a non-negotiable check or a disputed credit card as payment to restore water service previously disconnected for non-payment and the District restores service, the District may promptly disconnect service without providing further notice. No notice of termination will be given in the case of a non-negotiable check or fraudulent credit card tendered for payment of water charges that were subject to discontinuance.

Section 14. Disputed Bills

- 14.1 If a customer believes he or she was overcharged for residential water service or charged for residential water service not rendered, the customer may contest the amount due by notifying the District in writing no later than 35 calendar days from the original issue date of the disputed bill. The District will evaluate the information provided by the customer and investigate the matter. During the review and/or investigation, the customer will be provided an extension from its noted due date in order to avoid late fees, but the customer will not be provided an extension of the 60-day time period provided under *Section 7*.

- 14.2 If the review and/or investigation results in favor of the customer, where the billing is incorrect, an adjustment shall be applied to the customer account. If the billing is correct, the bill balance shall be due ten (10) days from the customer being notified of the General Manager's decision.

If before completion of the investigation, additional bill(s) become due, the customer is required to make payment of the entire amount due by the specified due date. Failure to do so may result in assessed late fees or discontinuation of service, due to nonpayment, in accordance with this Policy. The General Manager, or designee, shall make a decision, based upon all the information and shall have the authority to adjust the amount due in a fair and equitable manner, if appropriate.

- 14.3 If the customer disagrees, the customer may, within 10 calendar days from the General Manager's decision, appeal the decision, in writing, to the Board of Directors. The Board of Directors will review the record and make a determination at its next regular Board of Directors meeting. The decision of the Board of Directors shall be final.

Section 15. General

- 15.1 The District will not discontinue water service for delinquent accounts (a) on a Friday, Saturday, Sunday, legal holiday, or at any time during which the District's office is not open to the public; (b) during the District's investigation of a timely customer complaint or request for appeal of the District's decision, under *Section 14*; or (c) during a District review of, or time period for, an approved extension, amortization, or alternative payment arrangement under *Section 5*, if the customer remains in compliance with one of those payment arrangements

Section 16. Reporting

- 16.1 The District will report the number of annual discontinuations of residential service on its *website* and to the *State Water Resources Control Board* at the end of each calendar year.

Section 17. Contact Us

- 17.1 The District can be contacted by phone at (760) 425-0000 or (760) 425-0005 to discuss options for averting discontinuation of water service for non-payment under the terms of this Policy.