

3.1.8 Discontinuance of Service

3.1.8.1 Customer's Request for Discontinuance of Service.

Discontinuance of service may be made at any time during the year at the written request of the customer being provided such service provided the then account for service to such customer is current and is paid in full at the time of such request for discontinuance. The written request for such discontinuance shall be made by the customer upon a form of request for discontinuance of service to be provided by the District and in no other manner. Upon such requested discontinuance of service, the water meter serving the premises on which said discontinuance has been requested will be removed from said premises and the water service shut off at the water main serving such premises. A reinstatement or reconnection charge of Two Hundred Seventy-five Dollars (\$275.00) for a 5/8" x 3/4" meter, a full 3/4" meter or a 1" meter will be made and collected prior to reinstatement or renewing of service following a requested discontinuance of service.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 353, June 20, 2006.)

3.1.8.2 Non-Payment of Bills.

If an account is not paid in full on or before the twenty-fifth (25th) day following the date of the mailing of the bill, service may be suspended for non-payment and a late payment penalty of Ninety Dollars (\$90.00) shall be charged and added to the water bill and collected prior to restoring the water service. Failure to receive a bill does not relieve the customer of liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable in an action in the name of the District in any court of competent jurisdiction for the amount thereof.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 350, March 28, 2006.)

3.1.8.3 Ten Day Notice and Right to Contest.

At least ten (10) days prior to the suspension of a customer's water service for non-payment of a bill for water, the District shall notify the customer by means of a notice mailed, postage prepaid, to the customer to whom the service is billed. Such notice shall not be mailed earlier than nineteen (19) days from the date of mailing the District's bill for services, and the 10-day period shall not commence until five (5) days after the mailing of the notice. The mailed notice shall include all of the following information:

- (a) The name and address of the customer whose account is delinquent.

- (b) The amount of the delinquency.
- (c) The date by which payment or arrangements for payment is required in order to avoid the suspension of water service.
- (d) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges.
- (e) The procedure by which the customer may request amortization of the unpaid charges.
- (f) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources.
- (g) The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

If the District has not received payment prior to the time that the forty-eight hour notice is to be given (as is required under section 3.1.8.4) a hang notice and delinquency charge in the amount of \$15.00 or 7% of the unpaid balance on the customer's water bill, whichever is greater, will be added to the account. The day that such hang notice and delinquency charge will be added to the bill and the amount of the charge shall be included in the mailed notice. If the customer chooses to contest the decision to suspend service, the customer shall be given an opportunity to do so prior to the suspension of service at a hearing conducted by the General Manager of the District or his designee.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 350, March 28, 2006.)

3.1.8.4 Forty-Eight Hours Notice.

The District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight (48) hours prior to any suspension of a customer's water service. Such forty-eight hour notice shall include the items of information in section 3.1.8.3 (a), (b), (c), (f) and (g) above.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.5 Regular Business Hours.

Payments shall be received only at the District office during regular business hours, through the U. S. Postal Service or in the mail drop provided for after hours payments at the District office. District personnel are not authorized to receive payments in the field, and water service shall be restored only during regular business hours unless prior arrangements are made with the District

office.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.6 Collection By Suit.

All unpaid rates and charges and penalties herein provided may be collected by suit and defendant shall pay all costs of suit in any judgment rendered in favor of the District.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.7 Returned Checks.

If a customer's check in payment of the customer's account is not honored for any reason whatsoever by the customer's bank and cannot be redeposited, the amount of said check, plus a Returned Check Service Fee of Twenty Dollars (\$20.00) shall be charged to the customer's account and the customer shall be given a notice to remit payment in cash, a cashier's check or a money order within five (5) days. If such payment is not made within the five (5) day period, the water service shall be suspended for non-payment in accordance with section 3.1.8.2 above until the entire amount past due has been paid. Payment of any applicable penalty charges must also be in the form of cash, cashier's check or money order.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 312, Section 1, February 16, 1999.)

3.1.8.8 Unsafe Apparatus and Cross-Connections.

Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of these Rules and Regulation or of any State Health Department Standards.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.9 Fraud or Abuse.

Water service may be discontinued if necessary to protect the District against fraud or abuse.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.10 Non-Compliance.

Water service may be discontinued for non-compliance with any of the District's Rules and Regulations for water service.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.11 Recording Lien.

When a statement of delinquent charges and all penalties and other charges which have accrued thereon has been prepared as provided herein, such statement shall be recorded and after it has been recorded, the same shall constitute a lien upon the real property receiving or to receive the service, excepting publicly owned property. Such lien shall continue until the charges and all penalties thereon have been fully paid or the property subject thereto has been sold to satisfy the lien. The minimum charge shall continue to accrue during the period of non-payment. The statement shall contain the County Assessor's Parcel Number of the property served, the property owner's name and last known mailing address, the amount of the charges and penalties accrued to the date of recording and the section of the State Water Code granting authority for filing such lien. The statement shall be executed by the General Manager of the District and his signature shall be acknowledged. The statement shall be filed with the County Recorder of San Bernardino County, California and shall have the same force, effect, priority and duration of an abstract of judgment against the owner of the real property and may be enforced in like manner.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.12 Discontinuance of Service to Multi-Unit Structures and Mobilehome Parks.

Whenever the District provides water service through a master meter to a multi-unit residential structure or mobilehome park and the customer of record for such service fails to timely pay for service, the District may discontinue such service in accordance with the provisions of this Section 3.1.8; provided, however, that the District shall also make every good faith effort to inform the actual users of the service, when the account is in arrears, by means of a notice, that service will be terminated in ten (10) days. The notice shall further inform the actual users that they have the right to arrange for continued water service from the District without being required to pay the amount due on the delinquent account if one or more of the actual users are willing and able to assume responsibility for the entire account, to the satisfaction of the District. At a minimum, the District shall require (1) the agreement of the actual user or users to comply with all District Rules and Regulations for Water Service, and (2) a deposit equal to the amount of two month's average billing for such service, as such amount is determined by the District, or demonstrate to the satisfaction of the District General Manager, or his designee, that such actual user or users have the ability to timely pay the average monthly bill for such service.

(Res. 200, March 11, 1982; amended by Res. 276, September 24, 1992.)



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SB-998 Discontinuation of residential water service: urban and community water systems. (2017-2018)

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Senate Bill No. 998

CHAPTER 891

An act to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 998, Dodd. Discontinuation of residential water service: urban and community water systems.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including water corporations. Existing law requires certain notice to be given before a water corporation, public utility district, municipal utility district, or a municipally owned or operated public utility furnishing water may terminate residential service for nonpayment of a delinquent account, as prescribed.

This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in prescribed languages. The bill would require the policy to include certain components, be available on the system's Internet Web site, and be provided to customers in writing, upon request. The bill would provide for enforcement of these provisions, including making a violation of these provisions punishable by a civil penalty issued by the board in an amount not to exceed \$1,000 for each day in which the violation occurs, and would require the enforcement moneys collected by the board to be deposited in the Safe Drinking Water Account. The bill would prohibit an urban and community water system from discontinuing residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. The bill would require an urban and community water system to contact the customer named on the account and provide the customer with the urban and community water system's policy on discontinuation of residential service for nonpayment no less than 7 business days before discontinuation of residential service, as prescribed.

This bill would prohibit residential service from being discontinued under specified circumstances. The bill would require an urban and community water system that discontinues residential service to provide the customer with information on how to restore service. The bill would require an urban and community water system to waive interest charges on delinquent bills for, and would limit the amount of a reconnection of service fee imposed on, a residential customer who demonstrates, as prescribed, to the urban and community water system household income below 200% of the federal poverty line. The bill would require an urban and community water system

(b) An urban and community water system regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020. The urban and community water system regulated by the Public Utilities Commission shall file advice letters with the commission to conform with this chapter.

(c) An urban and community water system not described in subdivision (a) or (b) shall comply with this chapter on and after April 1, 2020.

116906. (a) An urban and community water system shall have a written policy on discontinuation of residential service for nonpayment available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy shall include all of the following:

- (1) A plan for deferred or reduced payments.
- (2) Alternative payment schedules.
- (3) A formal mechanism for a customer to contest or appeal a bill.
- (4) A telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment.

(b) The policy shall be available on the urban and community water system's Internet Web site, if an Internet Web site exists. If an Internet Web site does not exist, the urban and community water system shall provide the policy to customers in writing, upon request.

(c) (1) The board may enforce the requirements of this section pursuant to Sections 116577, 116650, and 116655. The provisions of Section 116585 and Article 10 (commencing with Section 116700) of Chapter 4 apply to enforcement undertaken for a violation of this section.

(2) All moneys collected pursuant to this subdivision shall be deposited in the Safe Drinking Water Account established pursuant to Section 116590.

116908. (a) (1) (A) An urban and community water system shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than seven business days before discontinuation of residential service for nonpayment, an urban and community water system shall contact the customer named on the account by telephone or written notice.

(B) When the urban and community water system contacts the customer named on the account by telephone pursuant to subparagraph (A), it shall offer to provide in writing to the customer the urban and community water system's policy on discontinuation of residential service for nonpayment. An urban and community water system shall offer to discuss options to avert discontinuation of residential 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 urban and community water system 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 of the residence to which the residential service is provided. If the customer's address is not the address of the property to which residential service is provided, the notice also shall be sent to the address of the property to which residential 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 residential service.
- (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, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with the written policies provided pursuant to subdivision (a) of Section 116906.

116914. (a) For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the urban and community water system shall do both of the following:

(1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(2) Waive interest charges on delinquent bills once every 12 months.

(b) An urban and community water system shall deem a residential customer to have a household income below 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 200 percent of the federal poverty level.

116916. (a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an urban and community water system furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome 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 urban and community water system 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 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.

(c) The urban and community water system is not required to 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 urban and community water system'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 urban and community water system, or if there is a physical means legally available to the urban and community water system of selectively terminating service to those residential occupants who have not met the requirements of the urban and community water system's rules and tariffs, the urban and community water system shall make service available to those residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the urban and community water system, residence and proof of prompt payment of rent or other credit obligation acceptable to the urban and community water system for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the urban and community water system pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the urban and community water system for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the urban and community water system may do any of the following:

(1) Give notice of termination at least seven days prior to the proposed termination.

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer 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.

Schedule H

Delinquent Charges and Charges for Re-Establishment of Service

A. Late fee

If payment is not received by the due date on the bill, a late fee is added to the past due water bill. This fee is assessed at 5:00 p.m. on the bill's due date and is no longer associated with the 48-hour notice of termination.

<u>Current Charge</u>	<u>Effective 5/1/2019</u>
\$25.00	\$10.00

B. Charge for Re-Establishment of Service

Re-establishment between 8:00 a.m. and 5:00 p.m. on regular work days: \$50.00

Re-establishment between 5:00 p.m. and 8:00 a.m. on week days, or on Saturdays, Sundays, or District holidays (after business hours): \$100.00

Re-Establishment Charge	\$ 50.00
After-Hours Charge	<u>\$100.00</u>
Total Charges when Service is Re-established After-Hours	\$150.00

C. Additional Fees

An additional \$90.00 will be charged to reset a water meter if it is necessary to remove it to stop unauthorized water use.

An additional \$500.00 will be charged for illegal connections or other unauthorized water use.

Whenever the District is required, by reason of non-payment, to send a District employee to the customer's premises for purpose of terminating water service a re-establishment fee will be assessed, regardless of whether or not water service physically terminated.

(This Schedule is effective as of May 1, 2019)