

CITY POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE

I. Purpose

The purpose of this Policy is to establish guidelines for residential water discontinuation for non-payment of a delinquent account.

II. Policy

This Policy provides for the adherence to Senate Bill No. 998 (“SB 998”) adding Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code (the “Water Shutoff Protection Act”), Discontinuation of residential water service. SB998 was approved September 28, 2018, and outlines the requirements for discontinuation of residential water service for nonpayment of a delinquent account. This Policy shall be made available on the City’s Internet website and be available in English, the languages listed in Section 1632 of the California Civil Code, and other language spoken by at least ten (10%) percent of the people residing within its service area.

III. Superseding Effect

It is the City’s intent to make future amendments to its Water System regulations to be consistent with the terms and provisions of this Policy and thereby avoid any nonconformance of its Water System regulations with any of the requirements established under SB 998. Until such amendments are made and take effect, this Policy shall supersede and control to the extent that it actually conflicts, or is inconsistent, with any of the City’s Water System regulations existing on the date that this Policy is established.

IV. Notice of Discontinuation of Service

The City will not discontinue residential water service for nonpayment until a payment by the customer has been delinquent (For the purposes of this Policy, “delinquent” shall refer to nonpayment of the entire amount of the water service bill by the date that the bill is due.) for at least sixty (60) days of the bill date and notification has been provided at least seven (7) business days in advance of the date of discontinuation in accordance with either of the following paragraphs:

A. Oral Notification. If the City contacts the customer named on the account by telephone, the City shall offer to provide in writing this Policy and offer to discuss options for the customer to avert discontinuation in accordance with the terms of this Policy, including alternative payment plan and review/appeal provisions set forth below.

B. Written Notice. If the City contacts the customer named on the account by written notice, the written notice shall be mailed to customer named on the account to the residence address for which service is being provided. If the customer’s address is not the same as the address of the residence for which service is being provided, then the notice shall also be mailed to the address of the property to which residential service is being provided and be addressed to “Occupant.” The notice shall include but not necessarily be limited to all of the following information in a clear and legible format:

- (1) Customer’s name and address;
- (2) Amount of the delinquency;

(3) Description of the process to apply for the opportunity to be offered an alternative payment plan described below;

(4) Description of the procedure to request bill review and the opportunity to appeal the review that is described below; and

(5) Any additional information required under the City's Water System regulations for notice of residential service for nonpayment, except as such information might conflict, or be inconsistent, with any of the provisions of this Policy.

C. Inability to Contact. If the City is unable to contact the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the City shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and this Policy.

V. Alternative Payment Plans

The City shall have the sole discretion to offer any one of the following alternative payment plans to any residential customer that does not have the financial means to pay a delinquent water bill in full. In the case of a residential customer that meets the requirements of Section VI, the City shall offer one of the following plans:

A. Amortization

Any residential customer who does not have the financial means to pay a delinquent water bill in full may request from the City in writing, and the City may choose to approve the request for, the opportunity to enter into an amortization agreement for the unpaid balance over a reasonable period of time not to exceed 12 months. The amortization agreement shall be on a City form and set forth the entire payment schedule for payment of the full delinquent amount owed to be paid in full within no more than a 12-month time period. The written request for an amortization agreement, along with the reasons why the customer is financially unable to pay the water bill in full (except in the case of customers demonstrating their eligibility under Section VI), shall be submitted to the City prior to the City making a determination on the availability of an amortization agreement for the consumer. No discontinuation of service shall be effected for any customer complying with the amortization agreement if the customer also keeps current as charges accrue in each subsequent billing period. Service to a residential customer may be discontinued no sooner than five (5) business days after the City provides a notice of final intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances: 1) The customer fails to comply with an amortization agreement for delinquent charges for 60 days or more; or 2) the customer does not pay his or her current residential service charges for 60 days or more.

B. Alternative Payment Schedule

Any residential customer may, if the City specifically selects to offer this alternative for that customer, enter into an alternative payment schedule for the unpaid balance which will result in payment of the full delinquent amount owed over a period of time not to exceed 12 months. After considering the financial limitations, the City shall, if it selects this option, develop an alternative payment schedule to

be agreed upon with the consumer. That alternative schedule may provide for periodic lump sum payments that do not coincide with the established payment date, may provide for payment to be made less frequently than monthly, provided that in all cases the full delinquent amount shall be paid in full over a period of time not to exceed 12 months. The agreed upon schedule shall be set forth in writing and be provided to the customer. No discontinuation of service shall be effected for any customer complying with the alternative schedule agreement if the customer also keeps current as charges accrue in each subsequent billing period. Service to a residential customer may be discontinued no sooner than five (5) business days after the City provides a notice of final intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances: 1) The customer fails to comply with an alternative schedule agreement for delinquent charges for 60 days or more; or 2) the customer does not pay his or her current residential service charges for 60 days or more.

C. Reduction of Unpaid Balance

Any residential customer may, if the City specifically selects this option for that customer, pay a reduced amount of the unpaid balance not to exceed ninety (90%) percent of the full delinquent balance. The customer shall pay the reduced balance by the due date determined by the City, which date shall be at least fifteen (15) calendar days after the effective date of the reduction of the unpaid balance. No discontinuation of service shall be effected for any customer making payments in accordance with the reduced unpaid balance amounts by the due date if the customer also keeps current as charges accrue in each subsequent billing period. Service to a residential customer may be discontinued no sooner than five (5) business days after the City provides a notice of final intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances: 1) The customer fails to make payment in a reduced amount that has been agreed upon for delinquent charges for 60 days or more; or 2) the customer does not pay his or her current residential service charges for 60 days or more.

D. Temporary Deferral of Payment

Any residential customer may, if the City specifically selects this option for that customer, have payment of the unpaid balance temporarily deferred for a period of up to six (6) months after the payment is due. If the City offers the customer this alternative, then the City shall determine, in its discretion, how long of a deferral shall be provided to the customer. No discontinuation of service shall be effected for any customer making payments in a timely manner when the unpaid balance has been temporarily deferred if the customer also keeps current as charges accrue in each subsequent billing period. Service to a residential customer may be discontinued no sooner than five (5) business days after the City provides a notice of final intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances: 1) The customer fails to make payment in an amount that has been agreed upon for delinquent charges for 60 days or more; or 2) the customer does not pay his or her current residential service charges for 60 days or more.

VI. Discontinuation Under Medical and Financial Hardship Circumstances

The City will not discontinue residential water service for nonpayment when the customer establishes, in accordance with the requirements set forth within the paragraphs within this section, all of the following: 1) Life threatening or serious threat to health and safety will be posed to a resident where the residential service is being provided; 2) the customer is financially unable to pay for service

within the normal billing cycle; and 3) the customer is willing to enter into that alternative payment plan selected by the City for that customer with respect to all of the delinquent charges.

However, service to a residential customer may be discontinued no sooner than five (5) business days after the City provides a notice of final intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances: 1) The customer fails to comply with an agreed upon alternative payment plan described within Section V above for delinquent charges for 60 days or more; or 2) the customer does not pay his or her current residential service charges for 60 days or more.

A. Life threatening/serious threat to health or safety

In order to demonstrate a Life threatening/serious threat to health or safety, the customer or tenant of the customer must submit a certification of a "primary care provider", as defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that the 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 the residential service is being provided.

B. Financially unable to pay

The customer shall be deemed financially unable to pay for service within the 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 on a form provided by the City that the household's annual income is less than 200 percent of the federal poverty level.

VII. Review/Appeal

A residential customer may initiate a complaint or request an investigation concerning the water bill by submitting a request on the forms provided by the City within five (5) business days of the date of the notice described within Section IV above. During such time as the investigation is pending the customer's water service may not be discontinued. The customer's written dispute must state in detail the facts which give rise to the dispute and the customer must attach any documentary evidence which the customer believes support his or her contention. The City shall investigate the customer's dispute and provide the customer a written decision concerning the merits of the dispute within ten (10) business days of the request being received. The customer may appeal an adverse decision to the City Council by filing a written notice of appeal within ten (10) calendar days of the date the written decision was mailed by the City. The City shall not terminate the customer's residential water service during the pendency of any such appeal.

VIII. Other Provisions

A. Contact Information

Any residential customer may discuss options for averting discontinuation of residential water service for nonpayment, including entering into an alternative payment plan under this Policy, by contacting the City at the telephone number of 925-372-3575 or by sending an email to waterbilling@cityofmartinez.org.

B. Interest Charges on Delinquent Bills

Whenever a customer is deemed financially unable to pay under the above section, interest charges on delinquent bills shall be waived once every twelve (12) months.

C. Discontinuation of Residential Service for Nonpayment in Multi Unit Structures

Those procedures set forth within the City's Water System regulations for discontinuation of residential service for nonpayment in multi unit structures (Section 5.3.3) shall apply to Multi Unit Structures under this Policy.

D. Discontinuation of Residential Service for Other Reasons

Nothing in this Policy shall apply to discontinuation of residential service due to an unauthorized action of a customer or any reasons other than nonpayment.

E. Written notices shall be provided in multiple languages

All written notices required under S.B. 998 shall be provided in the languages listed in Section 1632 of the Civil Code and any other language spoken by ten (10%) percent or more of the people residing within the City's service area.

F. Reporting

The City shall report the number of annual discontinuations of residential service for inability to pay on the City's Internet website and to the State Water Resources Control Board.