
Apple Valley Foothill County Water District

POLICY HANDBOOK

POLICY TITLE: Discontinuation of Residential Service Due to Non-Payment
In Conjunction with California Senate Bill 998
POLICY NUMBER: 3900-AVFCWD-SB998

POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE

1. **Application of Policy.** This Policy on Discontinuation of Residential Water Service (this "Policy") shall apply to all District accounts for residential water service but shall not apply to any accounts for non-residential service. To the extent this Policy conflicts with any other rules, regulations, or policies of the District, this Policy shall control.
2. **Contact Information.** For questions or assistance regarding the water bill, the District's Customer Service staff can be reached at (760) 247-1101. Customers may also visit the District's Customer Service desk in person, Tuesday through Thursday, from 7:00 AM to 10:00 AM, except on District holidays. The District's Customer Service office is located at 22545 Del Oro Road, Apple Valley, CA 92308.
3. **Rendering of bills and Billing Procedures.** Water service charges are payable, in full, to the District 26 days from date issue once every month or at such other frequency as determined by the Board of Directors from time to time. Any bills not paid within such period are considered delinquent.
4. **Discontinuation of Water Service for Nonpayment.** If a bill is delinquent for at least sixty (60) days, the District may discontinue water service to the service address.
 - 4.1 **Written Notice to Customer.** The District will provide a mailed notice to the customer of record at least ten (10) business days before discontinuation of water service. The notice will contain:
 - (a) the name and address of the customer;
 - (b) the amount of the delinquency;
 - (c) the date by which payment or payment arrangements must be made to avoid discontinuation of service;
 - (d) the telephone number where the customer may request a payment arrangement or receive additional information from the District.
 - (e) If a customer wishes to dispute or request an investigation of water consumption amount and/or billed amount, the customer, or the customer's authorized designee, must contact district staff to request the investigation process.
 - 4.2 **Written Notice to Occupants or Tenants.**
 - (a) The District will also send a notice to the occupants living at the service address at least ten (10) business days before discontinuation of water service under the following circumstances: (i) the District furnishes individually metered service to a single-family dwelling and the owner, manager, or operator is the customer of record; or (ii) the customer of record's mailing address is not the same as the

service address. The notice will be addressed to "Occupant," will contain the information required in Section 4.1 above and will 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 Section 8 below.

4.3 In-Person or Telephonic Notice. The District will also make a reasonable, good faith effort to contact the customer of record, or an adult person living at the premises of the customer, in person, or by telephone, at least seven (7) Business days before discontinuation of service. The District will offer to provide in writing a copy of this Policy and to discuss options to avert discontinuation of water service for nonpayment, including the possibility of a payment arrangement.

4.4 Posting of Notice at Service Address. the District will make a good faith effort to leave a notice of imminent discontinuation of residential service and a copy of this Policy in a conspicuous place at the service address. The notice and copy of this Policy will be left at the residence at least forty-eight (48) hours before discontinuation of service. The notice shall include:

- (a) the name and address of the customer;
- (b) the amount of the delinquency;
- (c) the date by which payment or payment arrangements must be made to avoid discontinuation of service;
- (d) the telephone number where the customer may request a payment arrangement or receive additional information from the District.
- (e) If a customer wishes to dispute or request an investigation of water consumption amount and/or billed amount, the customer, or the customer's authorized designee, must contact district staff to request the investigation process.

4.5 Circumstances Under Which Service Will Not Be Discontinued. The District will not discontinue residential water service for nonpayment under the following circumstances:

- (a) During an investigation by the District of a customer dispute or complaint under Section 5.1 below;
- (b) During the pendency of an appeal to the Board of Directors under Section 5.3 below; or
- (c) During the period of time in which a customer's payment is subject to a District-approved payment arrangement.

4.6 Special Medical and Financial Circumstances Under Which Services Will Not Be Discontinued. An urban and community water system shall not discontinue residential 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 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 he or she is 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, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (b) the customer declares under penalty of perjury, with Notarized signature, 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 alternative payment arrangement with respect to the delinquent charges.

(b) For any customers who meet all of the above conditions, the District shall offer the customer one of the following options, to be selected by the District in its discretion:

(i) an alternative payment schedule; or

(ii) an opportunity to appeal to the district's Board of Directors.

The District's General Manager will select the most appropriate payment arrangement, taking into consideration the information and documentation provided by the customer, as well as the District's payment needs.

(c) The customer is responsible for demonstrating that the conditions in subsection (a) 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 alternative payment arrangement selected by the District and request the customer's signed assent to participate in that alternative arrangement; (2) request additional information from the customer; or (3) notify the customer that he or she does not meet the conditions in subsection (a).

(d) The District may discontinue water service if a customer who has been granted an alternative payment arrangement under this section fails to do any of the following: (a) to pay his or her unpaid charges by the extended payment date(s); (b) to pay any amount due under an alternative payment schedule. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least forty-eight (48) hours before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

4.7 Time of Discontinuation of Service. 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.

4.8 Restoration of Service. Customers whose water service has been discontinued may contact the District by telephone or in person regarding restoration of service. Restoration shall be subject to payment of: (a) any past-due amounts; (b) any reconnection fees, subject to the limitations in Section 7.1, if applicable; (c) and a security deposit, if required by the District.

5. Procedures to Contest or Appeal a Bill.

5.1 Time to Initiate Complaint or Request an Investigation. A customer may initiate a complaint or request an investigation regarding the amount of a bill within five (5) days of receiving a bill.

For purposes of this Section 5.1 only, a bill shall be deemed received by a customer five (5) days after mailing and immediately upon e-mailing.

5.2 Review by District. A timely complaint or request for investigation shall be reviewed by a manager of the District, who shall provide a written determination to the customer. The review will include consideration of whether the customer may receive an alternative payment arrangement. The District may, at the discretion of the District, review untimely complaints or requests for investigation; however, such complaints or requests are not subject to appeal.

5.3 Appeal to Board of Directors. Any customer, whose timely complaint or request for an investigation pursuant to this Section 5 has resulted in an adverse determination by the District, may appeal the determination to the Board of Directors by filing a written notice of appeal with the District Secretary within ten (10) business days of the District's mailing of its determination. Upon receiving the notice of appeal, 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 shall be final.

6. **Extensions and Other Alternative Payment Arrangements.** If the conditions listed in Section 4.6 (a) are met, as determined by the District, the District shall offer the customer one of the following options:

6.1 Time to Request an Alternative Payment Arrangement. If a customer is unable to pay a bill during the normal payment period, the customer may request an alternative payment arrangement described in this Section 6. District decisions regarding extensions and other alternative payment arrangements are final but may be appealed to the District's Board of Directors if the customer chooses. A customer may request no more than two (2) alternative payment arrangements during the same twelve month period; if a customer needs a payment arrangement beyond two (2) in the same twelve month period, District staff will automatically refer the decision to the District's Board of Directors, to be heard as an Action Item, at the next regularly scheduled Board of Directors meeting.

6.2 Alternative Payment Arrangement. If approved by the District, a customer's payment of his or her unpaid balance may be temporarily extended for a period not to exceed four (4) months after the balance was originally due. The unpaid balance may be divided into no more than four (4) parts, each of which will be due in an agreed upon payment schedule endorsed by both the customer and District staff. If the customer fails to honor the payment plan specifics, the customer will be subject to discontinuance when any portion of the payment arrangement is sixty (60) days past due.

6.3 Extension. If a customer is not able to pay the balance by the payment due date but may be able to pay before the next meter reading period, a customer may request an extended payment due date. This extension, if approved by District staff, will be for the month in question only and will not apply to the lifetime of the customer's account.

6.4 Failure To Comply. If a customer has been granted a payment arrangement under this Section 6 and fails to: (1) pay the unpaid charges by the extension date; or (2) pay an amount due under an alternative payment schedule, then the District may terminate 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 forty-eight (48) hours before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

6.5 The District's General Manager shall determine, in his or her discretion, how long an extension shall be provided to the customer. The customer shall pay the full unpaid balance by the date set by the District and must remain current on all water service charges accruing during any subsequent billing periods. The extended payment date will be set forth in writing and provided to the customer.

7. Specific Programs for Low-Income Customers.

7.1 Reconnection Fee Limits and Waiver of Interest. For residential customers who demonstrate to the District a household income below 200 percent of the federal poverty line, the District will:

- (a) Limit any reconnection fees during normal operating hours to fifty dollars (\$50), and during non-operational hours to one hundred fifty dollars (\$150). The limits will only apply if the District's reconnection fees actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021.
- (b) Wave interest charges on delinquent bills once every 12 months.

7.2 Qualifications. The District will deem a residential customer to have a household income below 200 percent of the federal poverty line if: (a) 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 (b) the customer declares under penalty of perjury, with Notarized signature, that the household's annual income is less than 200 percent of the federal poverty level. In all instances listed above, the customer must demonstrate to the District staff that they are members of the aforementioned assistance program(s).

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

8.1 Applicability. This Section 8 shall apply only when the 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.

8.2 Agreement to District Terms and Conditions of Service. The District will make service available to the actual residential occupants (tenants) 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, or if there is a physical means, legally available to the District, of selectively discontinuing service to those occupants who have not met the requirements of the District's rules and regulations, the District shall make service available to the occupants who have met those requirements.

8.3 Verification of Tenancy. To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall 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.

9. **Language for Certain Written Notices.** All written notices under Section 4 and Section 6.6 of this Policy shall be provided in English, Spanish, Chinese, Korean, Vietnamese and Tagalog and any other languages spoken by ten percent (10%) or more of the District's residential customers. If a customer, or tenant, requires this policy to be transcribed in a different language, the customer must make a formal request, to the District's Board of Directors, to have the policy transcribed into a different language; the

Board of Directors may elect to have an interpreter available to verbally explain this policy to the customer, if the customer's requested written language transcription is less than a ten percent (10%) representation of the District's residential customers.

10. **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 shall be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.
11. **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.
12. **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, shall be due and payable as set forth therein.
13. **Decisions by District Staff.** Any decision which may be taken by the District's General Manager under this Policy may be taken by his or her designee.