

DISCONTINUANCE OF WATER SERVICE

Policy:

Padre Dam Municipal Water District (District) will discontinue water service to customers who fail to pay in accordance with the Rules and Regulations and this Discontinuance of Water Service policy (Policy).

Purpose:

This Policy has been established to adhere to laws regarding discontinuance of water service for nonpayment under Government Code § 60371 *et seq.* and Health & Safety Code § 116900 *et seq.*

Scope:

This Policy governs all water service bills calculated and sent by the District that are in a delinquent status and scheduled for discontinuance. This Policy is intended to supplement the provisions of Section 8 of the District's Rules and Regulations. To the extent this Policy conflicts with any provisions of the Rules and Regulations, the Rules and Regulations shall control.

Delinquent Accounts:

Water charges are billed each month and payable to the District. All bills for water and/or sewer services are due and payable upon mailing or e-mailing by the District. Any bill not paid within 15 days of the Statement Date is considered delinquent.

A. Billing Due Date/AutoPay Date:

New bills will list the water and/or sewer charges informing customers the amount is due 15 days after the Statement Date to avoid any further fees or actions. The late fee amount will be listed on the bill. For customers who have enrolled in AutoPay, such payments will be withdrawn 15 days after the Statement Date.

B. Late Fee:

If payment for a bill is not received by the 24th day after the Statement Date, a late fee will be assessed on the 25th day. Any balance on a bill less than \$30 will not receive a late fee and such amount will carry over to the next bill.

C. New Bill Past Due Notice:

On or around the 28th day after the Statement Date, a new bill will be generated and will list the past due amount in addition to the new water and/or sewer charges. All past due charges are due NOW. This new bill will notify the customer of the unpaid charges, that a late fee has been added, and that the customer will accrue additional fees if not paid NOW. The new bill will also include the date by which payment or arrangements for payment are required to avoid termination of service, the procedure to request a payment arrangement to avoid discontinuance of service, and the procedure to appeal a bill.

D. Notice to Residential Tenants/Occupants:

If the service address is different from the customer of record's mailing address, or if the owner, manager, or operator of the property is the customer of record in a landlord-tenant situation, additional notice(s) will be mailed to the address of the residential occupants of the property. If the District is unable to provide mailed notice to the occupants of master-metered residential units, the District will make an alternative good-faith effort to provide written notice to the occupants. The notice will state that the account is in arrears, service will be terminated on the date stated in the notice, and the occupants may become customers of the District without being required to pay the amount due on the delinquent account in accordance with this Policy.

E. Courtesy E-mail Notice:

If previous balances are not paid on or around the 55th day after the Statement Date, a courtesy email will be sent to customers who have provided a proper email address to the District. This email informs the customer they need to pay by the following Monday to avoid the disconnection notification delivery and fee.

F. Telephonic Notice:

The District will make a reasonable, good-faith effort to contact the customer of record or an adult person living with the customer by telephone at least 7 business days before discontinuance of service. The District will offer to provide a written copy of this Policy and to discuss options on avoiding discontinuance of service. The District assumes no responsibility for phone contact information that is not provided or not kept up-to-date by the customer.

G. Discontinuance Notice and Fee:

If previous balances are not paid by the 59th day after the Statement Date, the District will give, by posting in a conspicuous location at the premises, a notice of imminent discontinuance of service at least 48 hours prior to discontinuance. The District will provide a copy of this Policy with the notice. A notification fee will be charged.

H. Discontinuance and Fee:

If a past due amount is not paid by the 75th day after the Statement Date, the account will be subject to discontinuance on the 76th day and a discontinuance fee will be charged regardless of whether the meter has physically been turned off. The District will discontinue water service by turning off and in some cases locking off the meter.

I. Restoration of Service:

In order to resume service that has been discontinued for nonpayment, the customer must pay all outstanding charges on the account and a deposit, if necessary. Once all charges and the deposit have been paid, the District will attempt to restore water service as soon as possible but at a minimum, will restore service by end of the business day as long as the payment/deposit have been received by 3:00pm (Monday-Thursday) or 12:00pm on Fridays. Otherwise, service will be turned on the following business day.

Water service may be restored, with no reconnection fee, during regular business hours after payment has been made in full in one of the following ways: (1) in person at the District office; (2) online and verified by District staff via the confirmation number from the transaction; or (3) by telephone through the District's automated payment system and a confirmation number is provided. The payment must be verified by District staff.

If the account has not been paid and water is turned on by any person other than District staff and/or without District authorization, the account will be subject to fines or additional charges or fees. Any damage that occurs as a result of unauthorized restoration of service is the responsibility of the customer and may be subject to recovery by the District.

J. After Hours Restoration:

Services restored after 3:00pm Monday through Thursday, after 12:00pm on Friday, or on weekends or holidays will be charged an after-hours fee. All outstanding charges and the deposit will need to be paid. Service will not be restored after regular business hours unless the customer has been informed of the after-hours fee and has signed an agreement acknowledging the fee. District staff responding to service calls are not permitted to collect payment but will instruct the customer to contact Customer Service the next business day. Services that are locked cannot be restored after hours.

K. Returned Payments for Previously Discontinued Services:

If a customer's attempted payment for restoration of water service is returned by their financial institution on an account that was previously discontinued for nonpayment and the District restored service, the District may promptly discontinue service without further notice. No additional notice of termination will be given in the case of returned payment.

L. Payment Arrangements:

District customers may request a payment arrangement, which may include an extension, amortization of the unpaid balance or an alternative payment schedule. The District will consider all circumstances surrounding the request and make a determination as to whether the arrangement is warranted. The District will choose which arrangement, if any, is available and set the repayment terms. The District will not discontinue service while a customer remains in compliance with a District approved arrangement. All arrangements must be approved by the District prior to the 75th day after the Statement Date. In addition, all subsequent bills must be kept current while the arrangement is in effect. If a customer has been granted an arrangement and fails to pay the charges by the due date(s) under the arrangement, the District may terminate water service after posting a final notice of intent to disconnect service in a conspicuous location at the service address at least five (5) business days before discontinuance. The final notice will not entitle the customer to any investigation or review by the District. If a customer fails to comply with an arrangement, no future arrangements will be granted under this section.

M. Payment Arrangements for Customers with Special Medical and Financial Circumstances:

For customers who meet **all** three of the following requirements, the District will offer a payment arrangement:

- 1) The customer or a tenant submits certification from a licensed primary care provider that discontinuance of water service would be life threatening or pose a serious threat to the health and safety of a resident of the service address; **and**
- 2) The customer is unable to pay within the normal payment period. This can be shown by either: (a) demonstrating that someone in the household is a recipient of one of the following programs: 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) declaring under penalty of perjury that household income is less than 200% of the federal poverty level and completing the District acknowledgement form; **and**
- 3) The customer is willing to enter into a District approved payment arrangement.

For customers who meet the above conditions, the District will offer an extension, amortization of the unpaid balance or an alternative payment schedule. The payment arrangement selected, and its terms, will be selected by the District in its discretion.

The customer is responsible for showing that the above conditions have been met. Upon receipt of documentation from the customer, the District will review the documentation within seven (7) days and either: (a) notify the customer of the payment arrangement selected by the District and request the customer sign a consent form to participate in that arrangement; (b) request additional information from the customer; or (c) notify the customer that the above conditions have not been met.

If a customer has been granted a payment arrangement under this section and fails to pay the charges due under the arrangement for at least sixty (60) days, or fails to pay current charges for at least sixty (60) days, the District may terminate water service after posting a final notice of intent to disconnect service in a conspicuous location at the service address at least five (5) business days before discontinuance. The final notice will not entitle the customer to any investigation or review by the District. If a customer fails to fulfill the requirements of the payment arrangement, no future payment arrangements will be granted under this section for a period of two (2) years.

N. Appealed Bills:

A customer desiring to initiate a complaint or contest the validity or accuracy of a bill shall submit a properly executed appeal form to the District's Customer Service Manager within 30 days of the mailing date of the bill in question. The written request shall state the reasons for the complaint and/or the basis for contesting the validity of the charges.

The customer may appeal the decision of the Customer Service Manager to the CEO/General Manager by submitting a written request to the Board Secretary within 14 days of the decision by the Customer Service Manager.

The customer may appeal the decision of the CEO/General Manager to the Board's Appeals Committee by submitting a written request to the Board Secretary within 14 days of the CEO/General Manager's decision. The written request shall state the grounds for the appeal and include any relevant documents or evidence. Additional information regarding Appeals Committee procedures is provided in Section 8.7 of the District's Rules and Regulations.

The District will not discontinue water service for nonpayment while an appeal is pending. While under review, the account will not incur late fees or penalties until the review has been completed and the results reported to the customer.

O. Procedures for Occupants or Tenants to Become Account Customer:

This section applies only to landlord-tenant situations where the property owner, 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.

The District will make service available to the occupants if each occupant agrees to the terms and conditions of service and meets the requirements the District's Rules and Regulations. However, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the satisfaction of the District, or if there is a physical means legally available of selectively discontinuing service to the occupants who have not met the requirements of the District's Rules and Regulations, the District will make service available to occupants who have met the requirements.

To be eligible to become a customer without paying the delinquent amount, the occupant shall verify that the delinquent account customer of record is or was the landlord, property manager, or legal agent of the dwelling. Verification may include a lease, rental agreement, rent receipts, a government document indicating the occupant is renting the property, or other documents at the discretion of the District. A deposit will be required in advance.

P. Other Provisions:

In addition to discontinuance of water service, the District may pursue any other remedies available 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. The District also reserves the right to discontinue water service for any violation of District policies, rules, or regulations other than for nonpayment.

Q. Contact Information:

For customer questions or assistance regarding a water and/or sewer bill, the District's Customer Service staff can be reached at 619.258.4600, Monday through Thursday, 8:00am – 4:30pm or Friday, 8:00am – 12:00pm.