

Chapter 1.10 DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT

Sections:

1.10.010 Purpose.

The District is required to comply with the Water Shutoff Protection Act (Cal. Health & Safety Code §§ 116900 - 116926) and the District Utility Services Law (Cal. Gov. Code §§ 60371 - 60375.5). The Water Shutoff Protection Act requires adoption of a written policy containing certain procedures before the discontinuation of residential water service for nonpayment. In addition, residential water service must be delinquent for at least sixty (60) days before the account is eligible for disconnection.

(Res. No. 2020-1-3, § 1(Exh. A), 1-28-2020)

1.10.020 Policy statement.

If a residential water service account is delinquent for sixty (60) days or more, the District will discontinue water service after complying with the Water Shutoff Protection Act and District Utility Services Law, as applicable. This policy will serve as a guide to inform District customers on options to bring delinquent accounts current and avoid discontinuation of residential water service for nonpayment. To the extent that this Policy conflicts with any other District rules, regulations, or policies, this Policy shall prevail. This policy does not apply to any accounts for non-residential service.

(Res. No. 2020-1-3, § 1(Exh. A), 1-28-2020)

1.10.030 Payment arrangements.

A customer may request an extension on the payment of their account only after a disconnection notice has been delivered. The District may grant an extension, in its sole discretion. Any such extension may not exceed seven (7) days after the final due date on the disconnection notice. An extension less than or equal to seven (7) days past the final due date on the disconnection notice will be subject to the extension fee as described in Chapter 4.08 of the District's Code. Accounts with four or more bills outstanding will not be granted an extension.

A customer may also request an installment payment plan after a disconnection notice has been delivered. To avoid undue hardship to the customer, the District may grant an installment payment plan, in its sole discretion. Any such payment plan shall provide for full payment of past-due amounts within a period no longer than twelve (12) months. The District may discontinue water service if a customer who has been granted an extension or payment plan under this section fails to pay by the extended due date or a due date under the payment plan.

(Res. No. 2020-1-3, § 1(Exh. A), 1-28-2020)

1.10.040 Special medical and financial circumstances under which services will not be discontinued.

A. Conditions. The District will not discontinue water service if all of the following three (3) conditions are met:

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1. The customer, or 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.
 2. The customer is 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:
 - i. Any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, California SSI/SSP or California Special Supplemental Nutrition Program for Women, Infants, and children, or
 - ii. The customer declares under penalty of perjury that the household's income is less than two hundred percent (200%) of the federal poverty level.
 3. The customer is willing to enter into a written agreement with the District regarding an extension or other payment plan for delinquent charges. The District will select terms and conditions of the payment plan that will be set forth in a written agreement. Under no circumstances will the written agreement extend beyond twelve (12) months.
- B. Customer Demonstration, and District Review, of Qualifications. The customer is responsible for demonstrating that the qualifications in Section 1.10.040.A above have been met. Upon receipt of documentation from the customer, the District will review the documentation within seven (7) calendar days and either: (a) notify the customer of the terms and conditions selected by the District and require the customer's signature on the payment plan agreement; (b) request additional information from the customer; or (c) notify the customer they do not meet the qualifications.
- C. Failure to Comply. The District may discontinue water service if a customer who has been granted a payment arrangement under this section fails to do either the following for sixty (60) days or more: (i) pay any amount due under the payment plan; or (ii) pay their current charges for water service while the payment plan is in effect. The District will post a final notice to discontinue service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District under Section 1.10.050.

(Res. No. 2020-1-3, § 1(Exh. A), 1-28-2020)

1.10.050 Procedure to contest or dispute a bill.

- A. Procedures to Contest or Dispute a Bill. Whenever the accuracy of a bill for water service is questioned, the customer of record may initiate a written dispute or request an investigation regarding the amount of the bill within ten (10) days of receiving the disputed bill. The written dispute must include supporting information or evidence.

The Customer Service Manager will review all timely disputes or requests for an investigation. The review will include consideration of whether the customer may receive a deferred payment or an installment payment plan for the unpaid balance. Water service will not be discontinued for nonpayment while the investigation dispute is pending, or during an appeal. The District, in its sole discretion, may review untimely disputes or requests for investigation, but such disputes or requests are not subject to appeal.

- B. Appeal to Appellate Committee. If the complainant is not satisfied with the decision of the Customer Service Manager, he or she may file a written appeal with the Appellate Committee within ten (10) days of the Customer Service Manager's decision. The Appellate Committee is comprised of the General Manager, Assistant General Manager, and Director of Finance and Technology Services (or their respective designees). After submission of the appeal, the committee shall reply in writing within ten (10) days to the complainant regarding the appeal.

If the customer is not satisfied with the committee's written reply, he or she then has ten (10) days from the date of such written reply to appeal the reply by requesting a conference with the committee. The conference shall be set as expeditiously as possible and the complainant shall receive written notice of the time and place of the conference. After the conference, the committee shall report within ten (10) days in writing to the complainant regarding their decision.

- C. Appeal to Board of Directors. If the complainant is not satisfied with the committee's decision, he or she has five days in which to request in writing a hearing before the Board of Directors of the District. The written request shall be filed with the Secretary of the Board of Directors. Upon receipt of a timely request, the matter shall be set for hearing before the Board of Directors as expeditiously as is possible, and the complainant shall receive written notice of the time and place of the hearing. The Board of Directors shall review the report of the committee regarding the complaint. At the time set for the hearing, the complainant shall be given a reasonable opportunity to be heard and to present any competent and relevant evidence supporting his or her complaint. After considering the evidence presented, the Board of Directors shall render a decision which shall be final.

(Res. No. 2020-1-3, § 1(Exh. A), 1-28-2020)

1.10.060 District contact information.

For questions or assistance regarding water bills, including options to avoid discontinuation of service for nonpayment, the District's Customer Service staff can be reached during normal business hours at 855-654-CVWD (2893). Normal business hours are Monday through Thursday, from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m., except on District holidays.

(Res. No. 2020-1-3, § 1(Exh. A), 1-28-2020)

1.10.070 Adoption of policy.

This policy shall be reviewed on a biennial basis and the Board must approve modifications, if any. This policy is subject to revision and any other changes may be determined by the Board from time to time.

(Res. No. 2020-1-3, § 1(Exh. A), 1-28-2020)