

City of Willits Policy on Disconnection of Residential Water Service for Nonpayment

1. General Provisions

a. Application. This Policy applies only to disconnection of residential water service for nonpayment. The existing ordinances, resolutions, policies, and procedures of the City of Willits (City) shall continue to apply to non-residential water service accounts and to disconnection of residential water service for other reasons, including the termination of a service connection by the City due to a customer violation of any other ordinance, rule, regulation, or policy of the City. In the event of any conflict between this Policy and any other ordinance, rule, regulation, or policy of the City, this Policy shall prevail. In the event of any conflict between this Policy and state law, state law shall prevail.

b. Customer Responsibility. Under applicable City ordinances, resolutions, policies, and procedures, bills for water service are rendered to each customer on a monthly basis, and are due and payable upon presentation. Water service bills become delinquent if not paid within 30 days from the date on the bill. It is the customer's responsibility to ensure that payments are received at the City in a timely manner. Payment may be made at the City, online, or to the address for remittance of mailed payments.

c. Availability of Policy. The City shall provide this Policy and all written notices given under this Policy in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean, and in any other language spoken by at least 10 percent of the people residing in the City's service area or required by Civil Code section 1632. This Policy shall be posted and maintained on the City's Internet website.

d. Contact Telephone Number. The City's Utility Billing Department can be reached at (707) 459-4601 for assistance concerning the payment of water bills and to discuss options for stopping disconnection of residential service for nonpayment.

2. Disconnection of Residential Water Service for Nonpayment

a. 60-day Delinquency Period. On the 30th day following the billing date an unpaid water bill shall become delinquent. Thereafter the City shall not disconnect residential water service for nonpayment of a service bill until a customer's payment has been delinquent for 60 additional days (i.e., 90 days following the date of the bill).

b. 10-Day Notice. Not less than 10 days before disconnection of residential service for nonpayment, the City shall contact the customer named on the account by telephone or written notice.

i. When the City contacts the customer named on the account by written notice under this section, the written notice of payment delinquency and impending disconnection 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."

ii. The written notice shall include all of the following information in a clear and legible format:

1. The customer's name and address.
2. The amount of the delinquency, including an itemization of any late payment penalties and interest to be applied to the delinquent charges.
3. The date and time by which payment or arrangement for payment must be made in order to avoid disconnection of water service.
4. A description of the process to apply for an extension of time to pay the delinquent charges.
5. A description of the procedure by which the customer may petition for bill review and appeal or initiate a complaint or request an investigation concerning the service or charges.
6. 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 this Policy.
7. A description of the procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.
8. The City's telephone number, business address, and hours of operation of a customer service representative who can provide additional information or institute arrangements for payment.

iii. If the written notice is returned through the mail as undeliverable, the City shall make a good faith effort to visit the residence

and leave or place in a conspicuous place a notice of imminent disconnection of residential service for nonpayment and a copy of this Policy.

c. 48-hour Posting Notice. The City 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 48 hours prior to any termination of service except that whenever telephone or personal contact cannot be accomplished, the City shall give, by mail or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination. This notice of termination of service shall include all of the following information:

i. The customer's name and address.

ii. The amount of the delinquency, including an itemization of any late payment penalties and interest to be applied on any delinquent charges.

iii. The date and time by which payment or arrangements for payment is required in order to avoid termination.

iv. The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

v. The City's telephone number, business address, and hours of operation of a customer service representative who can provide additional information or institute arrangements for payment.

d. Service Restoration Information. Upon disconnection, the City shall provide the customer with information on how to restore residential service.

3. Restrictions on Disconnection of Water Service

a. The City shall not disconnect residential water service for nonpayment of a service bill until a customer's payment has been in a delinquent status for at least 60 days.

b. The City shall not disconnect residential service in any of the following situations:

i. During the time that the City is investigating a customer dispute or complaint under section 8 of this Policy.

ii. When a customer has been granted an extension of the period for payment of a bill.

c. The City shall not disconnect residential service if all of the following conditions are met:

i. The customer, or a tenant of the customer, submits to the City the certification of a primary care provider, as defined in section 14088(b)(1)(A) of the Welfare and Institutions Code, that disconnection of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the property receiving service.

ii. The customer demonstrates that he or she is financially unable to pay for residential service within the City's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the City's normal billing cycle if (1) 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 (2) the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

iii. The customer is willing to enter into an alternative payment arrangement, consistent with the provisions of Section 4 of this Policy.

If a customer meets the three conditions listed in this subsection (c), the City shall offer the customer one or more of the payment options described in Section 4. Any customer meeting these requirements shall, upon request, be permitted to amortize, over a period not to exceed 12 months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment.

d. The City is prohibited from terminating water service to any customer or tenant of a customer on any Saturday, Sunday, legal holiday, or outside of its normal operating hours.

4. Alternative Payment Arrangements

a. Options. Upon request, the City will consider the following options with a delinquent customer to avert discontinuation of residential service for nonpayment:

i. Amortization of the unpaid balance;

ii. Participation in an alternative payment schedule;

iii. A partial or full reduction of the unpaid balance, financed without additional charges to other ratepayers; or.

iv. Temporary deferral of payment.

(Collectively "Payment Arrangements.")

b. City Administration. The City Manager, or his or her designee, may choose which of the Payment Arrangements described in Section 4(a), above, may be available to the customer and may set the parameters of that payment option. Ordinarily, the Payment Arrangement offered should result in payment of any remaining outstanding balance within 12 months. The City may grant a longer payment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case. The City may charge an administrative fee for the cost of administering Payment Arrangements under this provision. The City Manager, or his or her designee, is authorized to prepare and approve a Payment Arrangement agreement with a customer consistent with this Section 4.

c. Customer Obligations. If the City and customer enter into a Payment Arrangement under this Section 4, the customer shall comply with the agreement or other arrangement and remain current on any new water service charges as they are billed in each subsequent billing period. The customer may not request further amortization or reduction of any unpaid charges on subsequent bills while paying delinquent charges under an alternative payment arrangement. Commencing on the date the first payment arrangement is entered into, customers who fail to comply with any agreed payment arrangement will not be eligible to establish future payment arrangements for a period of 24 months, except as otherwise prohibited by law.

5. Disconnection After Failure to Comply with Alternative Payment Arrangements

a. If the City and customer enter into any Payment Arrangement under Section 4, the City may disconnect service no sooner than five business days after the City posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

i. The customer fails to comply with the Payment Arrangement for 60 days or more.

ii. While undertaking a Payment Arrangement, the customer does not pay his or her current residential service charges for 60 days or more.

b. The notice of termination under this Section 5 shall include all of the following information:

i. The customer's name and address.

ii. Notice of the customer's noncompliance with the Payment Arrangement.

iii. The Payment Arrangement or other conditions the customer must satisfy in order to avoid termination.

iv. The City's telephone number, business address, and hours of operation of a customer service a representative of the City who can provide additional information.

This notice does not entitle the customer to further investigation or provision of alternative payment arrangements by the City.

6. Disconnection in Master Meter Landlord-Tenant Situations

a. Applicability. This section applies to City service through an individual meter to a detached single-family dwelling, a multi-unit residential structure, mobile home park, or permanent residential structure in a labor camp, only if the owner, manager or operator is the customer of record, and there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the building.

b. Notice. The City 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. This notice shall further inform the residential occupants that they have the right to become City customers, to whom the service will then be billed, without being required to pay any amount which may then be due on the delinquent account.

c. Service to Occupants. The City is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of City water service and meets the requirements of law and the City's ordinances, rules, regulations, and policies. 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 City, or if there is a physical means legally available to the City of selectively terminating service to those residential occupants who have not met the requirements of the City's ordinances, rules, regulations, and policies, the City shall make service available to those residential occupants who have met those requirements.

d. Proof of Credit. If prior service for a period of time is a condition for establishing credit with the City, residence and proof of prompt payment of rent or other credit obligation acceptable to the City for that period of time is a satisfactory equivalent.

e. Detached Single-Family Dwellings. In the case of a detached single-family dwelling, the City may do any of the following:

i. Give notice of termination at least seven days prior to the proposed termination.

ii. 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.

7. Additional Considerations for Financial Hardship

a. If a customer who demonstrates to the City household income below 200 percent of the federal poverty line, the City shall both:

i. Set a reconnection of service fees for reconnection during normal operating hours at an amount not exceeding \$50 and for reconnection during nonoperational hours at an amount not exceeding \$150. These fees shall not exceed the actual cost of reconnection if those costs are less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

ii. Waive interest charges on delinquent bills once every 12 months.

b. The City shall deem a residential customer to have a household income below 200 percent of the federal poverty line if:

i. 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

ii. The customer declares that the household's annual income is less than 200 percent of the federal poverty level.

8. Procedure to Contest or Appeal a Bill

A customer may appeal or contest the amount set forth in any bill for residential water service pursuant to the following procedure:

a. General Appeal. Within five days of receipt of the bill for water service, a customer has a right to request an appeal or review of any bill or charge rendered by the City. The request must be made in writing and be delivered to the City's office. For so long as the customer's appeal and any resulting investigation is pending, the City cannot disconnect water service to the customer.

b. 10-Day Notice Appeal. In addition to the appeal rights under subsection (a), above, a customer who receives a 10-Day Notice described in Section 2(c) of this Policy may request an appeal or review of the bill to which the notice relates within five business days of the date of the notice. However, no such appeal or review rights shall apply to any bill for which an appeal or request for review under subsection (a) above, has been made. Any appeal or request for review under this subsection must be in writing and must include documentation supporting the

appeal or the reason for the review. The request for an appeal must be delivered to the City's office within the five-day period. For so long as the customer's appeal and any resulting investigation is pending, the City cannot disconnect water service to the customer.

c. Appeal Process.

i. Following receipt of a request for an appeal or review under subsections (a) or (b), above, the City Manager, or his or her designee, shall evaluate the request for review and supporting material provided by the customer and the information on file with the City concerning the water charges in question. Within 10 days after receipt of the customer's request for review, the City Manager, or his or her designee, shall render a decision as to the accuracy of the water charges set forth on the bill and shall provide the appealing customer with a brief written summary of the decision. There shall be no right to a public hearing on the appeal and the City Manager's decision shall be final.

ii. If water charges are determined to be incorrect, the City will provide a corrected invoice and payment of the revised charges will be due within 10 calendar days of the invoice date for revised charges. If the revised charges remain unpaid for more than 60 calendar days after the corrected invoice is provided, water service will be disconnected. Prior to disconnection, the City shall provide the customer with the 10-Day Notice in accordance with Section 2(c), above. Water service will only be restored upon full payment of all outstanding water charges, penalties, interest, and any applicable reconnection charges.

iii. If the water charges in question are determined to be correct, the water charges are due and payable within three business days after receipt of the City Manager's, or his or her designee's, decision.

d. Any overcharges due from the City will be reflected as a credit on the next regular bill to the customer, or refunded directly to the customer, at the sole discretion of the City Manager.

e. Water service to any customer shall not be disconnected at any time during which the customer's appeal to the City Manager is pending.