

**LA CAÑADA IRRIGATION DISTRICT  
POLICY ON DISCONTINUATION OF  
RESIDENTIAL WATER SERVICE**

**PURPOSE/BACKGROUND**

The purpose of this policy is to establish guidelines for residential water discontinuation for nonpayment of delinquent residential accounts in accordance with Senate Bill No. 998 ("SB998") to be effective April 1, 2020. This policy is available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy shall be available on the District's website. The District can be contacted by phone at (818) 790-6749 to discuss options for averting discontinuation off water service for nonpayment under the terms of this policy.

**DELINQUENT ACCOUNT**

Accounts are billed bimonthly and are due and payable upon receipt. They are considered overdue and subject to discontinuation of service if not paid with (sixty) 60 days from the date of the bill. The following rules apply to the collection of delinquent accounts:

1. Notice of Payment Delinquency: No less than 7 business days before discontinuation of service for nonpayment, the customer named on the account shall be contacted in writing. The written notice of delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided at the address indicated on the customer's account. If the customer's mailing address is not the property to which the service is provided, the notice shall also be sent to the property to which the service is provided, addressed to "Occupant" per SB998. The notice shall include the following:
  - a. The customer's name and service address.
  - b. The amount of the delinquency.
  - c. The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.
  - d. A description of the process to apply for an extension of time to pay the delinquent charges.
  - e. A description of the procedure to petition for bill review and appeal.
  - f. A description of the procedure by which the consumer may request a deferred, reduced, or alternative payment schedule.

The District may alternatively provide notice to the customer of the impending discontinuation of service by telephone offering to provide in writing to the customer the policy on discontinuation of residential service for nonpayment and offering to discuss options to avert discontinuation of residential service for nonpayment.

If the District is unable to contact the customer by telephone or the written notice is returned, the District shall visit the residence and leave in a conspicuous place notice of imminent discontinuation of residential service for nonpayment and the District's policy 48 hours before termination of service.

### **REQUESTING EXTENSION OR ALTERNATIVE PAYMENT ARRANGEMENTS**

The customer has the right to request alternative payment arrangements regarding the past due account balance, which will be granted at our discretion. To qualify for alternative payment arrangements, the customer must provide proof of meeting **all three** of the following requirements **prior** to the Turn-Off Date:

1. **Health Conditions**: The customer or tenant of the customer submits certification from a primary care provider that discontinuation of water service would be life threatening, or pose a serious threat to the health and safety of a person residing at the property;
2. **Financial Inability**: The customer demonstrates that he or she is financially unable to pay for water service within the water system's normal billing cycle by: (a) presenting a document that shows any member of the household is a current recipient of one of the following benefits: CalWORKS, CalFresh, general assistance, MediCal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (b) declares the household's annual income is less than 200% of the federal poverty level
3. **Alternative Payment Arrangements**: The customer must indicate willingness to enter into an amortization agreement, alternative payment schedule or a plan for deferred or reduced payment.

Upon timely receipt of proof of qualification and after confirmation thereof, the District will promptly contact the customer to request any necessary additional information or to notify the customer of the alternative payment arrangement, and corresponding terms for which the consumer is selected to participate.

Residential service may be discontinued no sooner than 5 business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property if:

1. The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral of reduction payment plan for delinquent charge for 60 days or more.
2. While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential charges for 60 days or more.

### **LANDLORD-TENANT PROCEDURES**

This applies to individually metered detached single-family dwellings and multi-unit residential structures where the property owner or manager is the customer of record and responsible for payment of the water bill.

1. Required Notice: At least 10 calendar days prior to the possible discontinuation of water service, the District will make a good faith effort to inform the tenants/occupants at the property by written notice that the water service will be discontinued. The written notice must inform the tenants/occupants that they have the right to become customers to whom the service will be billed, without having to pay any of the then delinquent amounts.

In the case of a detached single-family dwelling, in order for the amount due on the delinquent account to be waived, the District may require an occupant who becomes a customer to verify that the delinquent account customer of records 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.

In accordance with SB998, any residential occupant who becomes a customer of the District whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment for each payment period all reasonable charges paid to the District for those services during the preceding payment period.

### **APPEALS**

If no prior appeal or request for review of a bill has been made, the customer may request an appeal or review of the bill to which the Notice of Payment Delinquency relates if the consumer alleges that the

bill is in error with respect to the quantity of water consumption set forth on that bill. Appeals and requests for review must be in writing and must include documentation supporting the appeal or reason for review. All appeals or requests for review must be delivered to our office within five (5) business days of the date of the Notice of Payment Delinquency.

Upon receipt of an appeal or request for review, the General Manager or his or her designee will render a decision as to the accuracy of the water charges and will provide the customer with a written summary of the decision. If charges are found to be incorrect, a corrected invoice will be issued and payment of revised charges will be due within ten (10) calendar days of the revised invoice date. Charges determined to be correct are due and payable two (2) business days after the General Manager's or designee's decision is rendered.

The customer may appeal that decision to our Board of Directors. To file an appeal before the Board of Directors, you must file such appeal in writing and deliver it to our office with seven (7) calendar days after the General Manager's or designee's initial decision is rendered. This subsequent appeal will be heard at the next regular meeting of the Board of Directors.

#### **RECONNECTION FEES**

If service has been discontinued and is to be reconnected, then any reconnection fees during the District's normal business hours cannot exceed \$50.00, and reconnection fees during nonoperational hours cannot exceed \$150.00. These caps may be adjusted annually beginning January 1, 2021 for changes in the Consumer Price Index.

#### **RETURNED CHECKS**

If a check for payment is returned due to NFS and the account is current, the check will be redeposited. If a check is returned a 2<sup>nd</sup> time or is returned because the account has been closed, the District will attempt to contact the customer by phone, and if not able to reach someone by phone, a notice will be placed at the premises. Water service will be disconnected if the amount of the returned check and returned check charge are not paid by the due date specified on the notice, which due date shall not be sooner than the date specified in the Overdue Notice; or if an Overdue Notice had not been previously provided, no sooner than the sixtieth (60<sup>th</sup>) day after the invoice for which payment by the returned check had been made. All amounts owing must be paid by cash or certified funds.

If a check is returned as non-negotiable, which is payment to restore service to an account that had been disconnected for nonpayment, the District may disconnect said water service upon at least three (3) calendar days' written notice placed at the premises. All amounts owing must be paid by cash or certified funds.