

Crescent City Residential Water Service Discontinuation Policy

City of Crescent City
377 J Street
Crescent City, CA 95531
707-464-6517

1.0 GENERAL PROVISIONS.

- 1.01 EFFECTIVE DATE. This policy will be effective as of February 1, 2020.
- 1.02 ACCESSIBILITY. This policy and all notices issued pursuant to this policy must be made available in the following languages: English, Spanish, Chinese, Tagalog, Vietnamese, Korean and Hmong.
- 1.03 WEBSITE POSTING. This policy must be posted on the City's website.
- 1.04 CONTACT. Please call the City Water Department at 707-464-6517 to discuss payment options regarding delinquent accounts, how to dispute a bill, or any other questions regarding this policy.
- 1.05 ANNUAL REPORT. The City must report the number of annual discontinuations of residential service for inability to pay to the State Water Resources Control Board and post it on the City website.
- 1.06 ADMINISTRATION. This policy will be administered by the Finance Director.
- 1.07 DEFINITIONS. The following definitions apply to this Policy.
 - a. "Days" means calendar days unless otherwise specified.
 - b. "Finance Director" means the City's finance director or designee.
 - c. "Occupant" means an adult residing at a property that receives residential water service from the City.

2.0 DISPUTING A WATER BILL

- 2.01 FILING A DISPUTE. If a water customer disputes the accuracy of the water bill received, then the customer may file a written dispute with the water department identifying the bill being disputed and the inaccuracy contained in the bill. The

dispute must be filed with the water department no later than 60 days after the due date printed on the bill in order to prevent service from being discontinued while the dispute is investigated.

- 2.02 **DECISION ON DISPUTE.** Upon receipt of the bill dispute, the water department will investigate the claim of inaccuracy and submit its findings to the Finance Director. The Finance Director will then review the customer's dispute and the water department's findings and either (i) uphold the bill or (ii) modify the bill to correct any inaccuracies. The Finance Director's decision must be issued within 15 days of the City's receipt of the water bill dispute. The customer will be notified in writing of the Finance Director's decision and that the customer has 10 days to enter into a payment agreement or to pay the original bill if upheld by the Finance Director, or the modified bill as determined by the Finance Director, or the City will discontinue water service.
- 2.03 **APPEAL TO CITY COUNCIL.** The water customer may appeal the decision of the Finance Director regarding the dispute to the City Council by submitting a written appeal to the City Clerk within 7 days of the date of mailing of the decision. The City Council will review the customer's dispute at the next appropriate Council meeting. The customer will be notified of the City Council's decision in writing, and the customer has 5 business days to enter into a payment agreement or to pay the original bill if upheld by the City Council, or the modified bill as determined by the City Council, or the City will discontinue water service. The City Council's decision is final.
- 2.04 **NO TERMINATION OF SERVICE PENDING DECISION.** The City may not discontinue a customer's water service for nonpayment of a bill that is being disputed pending the final outcome of the dispute.

3.0 RESIDENTIAL WATER SERVICE DISCONTINUATION PROCEDURE

- 3.01 **DUE DATE AND LATE FEES.** Under Crescent City Municipal Code Section 13.12.150, water bills are due and payable when presented and become delinquent if not paid within 20 days after the invoice date. Late fees will be charged monthly on delinquent bills. The charge for late fees is set by City Council resolution in the City's Fee Schedule.
- 3.02 **60 DAYS DELINQUENT.** The City may not discontinue residential water service for nonpayment until payment has been delinquent for 60 days.
- 3.03 **7 DAYS' NOTICE.** At least 7 business days prior to discontinuation of residential service for nonpayment, the City must contact the customer named on the account by telephone or written notice.

- 3.03.1 TELEPHONE CONTACT. If the City contacts the customer by way of telephone, the City must offer to provide this policy in writing to the customer and offer to discuss potential alternative payment options to avoid water service interruption for nonpayment, as well as the process for disputing a water bill.
- 3.03.2 WRITTEN NOTICE. If the City contacts the customer in writing, the writing must include notice of the payment delinquency and impending discontinuation and is to 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 the residential service is provided, the notice must also be sent to the address of the property to which residential service is provided, addressed to "Occupant." The notice must include the following information:
- a. Customer's name and address
 - b. Amount of the delinquency
 - c. Date by which payment or arrangement for payment is required in order to avoid discontinuation of residential water service
 - d. Description of process to apply for an extension of time to pay the delinquent charges
 - e. Description of the procedure by which the customer may request a payment plan for the delinquent charges
 - f. Description of the process to dispute a bill or charge
- 3.03.3 GOOD FAITH EFFORT. If the City is unable to make telephone contact with the customer or an adult occupying the residence by telephone, and the written notice is returned through the mail as undeliverable, then the City must make a good faith effort to visit the residence and leave in a conspicuous place notice of imminent discontinuation of water service for nonpayment and the City's policy for discontinuation of service.
- 3.03.4 NOTICE POSTED. If the City is unable to make telephone or personal contact with an adult residing at the premises, the City must give notice at least 48 hours prior to termination of service by posting a notice at the premises.
- 3.04 CONDITIONS PROHIBITING DISCONTINUATION OF RESIDENTIAL WATER SERVICE. The City must not discontinue water service if ALL of the following conditions are met:
- a. The customer, or tenant of the customer, submits to the City the certification of a primary care provider (as defined by WIC 14088(b)(1)(A)) 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 water service is provided.

- b. The customer demonstrates that he or she is financially unable to pay for water services within the normal billing cycle. The customer will be deemed financially unable to pay for residential water service within the normal billing cycle if any member of the customer's household is a current recipient of CalWorks, CalFresh, general assistance, Medi-Cal, Supplemental Social Security / State Supplementary Payment Program, California Special Supplemental Nutrition Program for Women, Infants and Children ("WIC"), or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.
 - c. The customer is willing to enter into an alternative payment plan offered by the City with respect to all delinquent charges.

- 3.05 PAYMENT OPTIONS. The City must offer one or more payment options to customers meeting certain criteria.
 - a. If ALL of the above conditions in paragraph 3.04 are met, then the City must offer the customer one or more alternative payment options. See paragraph 4.01.
 - b. If a customer does not meet ALL of the conditions in paragraph 3.04 but asserts a financial inability to pay during the normal payment period, then the City must offer the customer one or more alternative payment options. See paragraph 4.02.

- 3.06 NO DISCONTINUATION DURING APPEAL. If an adult at the residence appeals the water bill or an adverse decision of the Finance Director regarding alternative payment plans, the City must not discontinue residential service while the appeal is pending.

- 3.07 NO DISCONTINUATION OR LATE FEES DURING PAYMENT PLAN. If a customer has entered into a payment plan, the City must not discontinue residential service so long as the customer is in compliance with the payment plan. The City must not charge additional late fees on the delinquent balance that is covered under the customer's payment plan while the customer is complying with the payment plan. Late fees will be charged on subsequent bills that become delinquent after the customer enters into a payment plan.

- 3.08 RESTORATION OF SERVICE. When water service is discontinued, the City must provide the customer with information on how to restore service. When a customer either (1) pays his or her delinquent balance in full or (2) enters into an approved alternative payment agreement with the City, the City will make a good faith effort to reconnect water service:
 - a. The same business day during the City's normal operating hours if the request is made before noon, or
 - b. The next business day during the City's normal operating hours.

4.0 ALTERNATIVE PAYMENT OPTIONS FOR DELINQUENT ACCOUNTS

4.01 PAYMENT OPTIONS FOR CUSTOMERS MEETING CERTAIN CONDITIONS. The City will offer one or more of the following alternative payment options to customers who meet ALL of the conditions of paragraph 3.04. The City may choose which payment options to offer and the parameters of that payment option.

- a. EXTENSION OF TIME. Customers may be granted a 5-day extension of time to pay a delinquent bill.
- b. AMORTIZATION PAYMENT PLAN. Customers may be approved for a payment plan that amortizes the balance due over a period of 2 to 12 months. The amount to be amortized must include all delinquent amounts due on the account, and the customer must sign an amortization agreement.
 - i. MINIMUM PAYMENTS. Amortization payment plans must have a minimum monthly payment of \$20.00.
 - ii. LENGTH OF AMORTIZATION PAYMENT PLAN. Ordinarily, repayment should result in full repayment within 12 months. City may grant a longer repayment period, up to 12 months, if it finds it necessary to avoid undue hardship to the customer based upon the circumstances.
- c. PAYMENT PLAN REQUIRED PRIOR TO DISCONNECTION. Customers who wish to enter into an alternative payment option must make their request to the City prior to water service being disconnected.

4.02 PAYMENT OPTIONS FOR ALL OTHER CUSTOMERS. Customers who do not meet all of the criteria in all of the conditions of paragraph 3.04 and who assert a financial inability to pay in full during the normal payment period will be offered one or more of the following payment options. The City may choose which payment options to offer and the parameters of that payment option.

- a. DEFERRED OR REDUCED PAYMENTS. Customers may be granted a 5-day extension of time to pay a delinquent bill.
- b. AMORTIZATION PAYMENT PLAN. Customers may be approved for a payment plan that amortizes the balance due over a period of 2 to 4 months. The amount to be amortized must include all delinquent amounts due on the account, and the customer must sign an amortization agreement.

- i. **MINIMUM PAYMENTS.** Amortization payment plans must have a minimum monthly payment of \$20.00.
 - ii. **LENGTH OF AMORTIZATION PAYMENT PLAN.** Ordinarily, repayment should result in full repayment within 4 months. City may grant a longer repayment period, up to 12 months, if it finds it necessary to avoid undue hardship to the customer based upon the circumstances.
 - c. **PAYMENT PLAN REQUIRED PRIOR TO DISCONNECTION.** Customers who wish to enter into an alternative payment option in order to prevent discontinuation of service must make their request to the City prior to water service being disconnected.
- 4.03 **REQUIREMENT TO PAY CURRENT BILLS.** Customers participating in an alternative payment option for any delinquent bill must continue to pay all subsequent bills in full and on time. Failure to do so for 60 days or more will result in discontinuation of water service following a 5-day notice per paragraph 4.04.
- 4.04 **5-DAY POSTING.** Service may not be discontinued sooner than 5 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:
- a. Customer fails to comply with an alternative payment plan agreement for delinquent charges for 60 days or more.
 - b. While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan, the customer does not pay his or her current residential service charges for 60 days or more.

5.0 SPECIAL PROVISIONS FOR RESIDENTIAL OCCUPANTS

- 5.01 **WRITTEN NOTICE.** For residential occupants of a detached single-family dwelling, multiunit residential structure mobilehome park or permanent residential structure in a labor camp that receives individually metered service, and the owner is the customer of record, then the City shall make every good faith effort to inform the residential occupants, by written notice, when the account is in arrears that service will be terminated at least 10 days prior to termination. The written notice shall further inform the residential occupant that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.
- 5.02 **AVAILABILITY OF SERVICE TO OCCUPANTS.** City does not have to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law. If prior

service for a period of time is a condition for establishing credit with the City water department, residence and proof of prompt payment of rent or other credit obligation shall be acceptable to the City for the same period of time is a satisfactory equivalent.

- 5.03 VERIFICATION. In the case of a detached single-family dwelling, in order to waive the amount due on the delinquent account, the City may require the 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. Verification may include a lease or rental agreement, rent receipts, a government document indicating the occupant is renting the property, or information disclosed pursuant to Civil Code 1962.

6.0 ADDITIONAL PROVISIONS FOR LOW-INCOME CUSTOMERS

- 6.01 A residential customer will be considered “low income” for purposes of this section if 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 if the customer declares that the household annual income is less than 200% of the federal poverty level.
- 6.02 For low-income customers, the City shall not set a reconnection fee during normal operating hours of greater than the amount allowed under the Water Shutoff Protection Act (\$50.00 currently, to be increased by CPI), not to exceed the City’s actual cost if less. For reconnection during nonoperational hours, the City shall not set a reconnection fee greater than the amount allowed under the Water Shutoff Protection Act (\$150.00 currently, to be increased by CPI), not to exceed the City’s actual cost if less.
- 6.03 The City shall waive interest charges on delinquent bills once every 12 months for low-income customers.

7.0 THIRD-PARTY NOTIFICATION AVAILABLE

- 7.01 The City shall make available a third-party notification service for residential customers who are age 65 or older, or who are dependent adults as defined in paragraph (1) of subdivision (b) of Section 15610 of the Welfare and Institutions Code. Customers meeting this criteria may request this service of the City using a form provided by the City. The third party must consent in writing.
- 7.02 For customers meeting the criteria in 7.01 and who request to be enrolled in the program, the City shall attempt to notify a person designated by the customer to receive notification when the customer’s account is past due and subject to

termination. The notification shall include information on what is required to prevent termination of service. The notification does not obligate the third party to pay the overdue charges, nor does it prevent or delay termination of service.

8.0 TERMINATION DATES AND TIMES.

8.01 The City shall not terminate residential water service on Saturdays, Sundays, legal holidays, or any other day that City Hall is closed for business. In addition, on days when service may be discontinued, such discontinuation must occur before noon so that the customer has an opportunity to request to reconnect service the same day.