

CITY OF PORTERVILLE

POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE

This policy is established to comply with Senate Bill No. 998, known as the “Water Shutoff Protection Act” (California Health and Safety Code Chapter 6, Sections 116900, et seq.), which requires urban and community water system to have a written policy on discontinuation of water service to residences for nonpayment.

General Provisions

This policy shall be made available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean and any other language spoken by at least 10 percent of the people residing in the City’s water service area. This policy shall be posted on the City of Porterville’s website.

The City shall not discontinue residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. The City shall not discontinue residential water service for nonpayment under specified circumstances.

The City’s Utilities Billing Division can be reached at (559) 782-7445 or (559) 782-7433 for assistance concerning the payment of water bills and to discuss options for averting the discontinuation of water service for nonpayment.

This policy shall be effective on February 1, 2020.

Due Date of Payments

All utility bills shall be due upon receipt and are deemed past due at 5:00 P.M. on the 30th day after their billing date. A monthly charge of 10% as a penalty shall be assessed on the unpaid balance and added to the amount of and become a part of said utility bill.

Discontinuation of Residential Water Service

Any utility bills which remain unpaid on the 60th day after the billing date, shall be listed by the Finance Department for shutoff and this shutoff list shall be executed the following working day. No less than seven business days before the discontinuation of residential water service for nonpayment, the City shall contact the customer named on the account by telephone or written notice.

- A. Written Notice.** When the City contacts the customer named on the account by written notice, the written notice of payment delinquency and impending discontinuation shall be mailed to the customer at their address of record. If the customer’s address is not the address of the property to which residential water service is provided, the notice also shall be sent to the address of the property to which residential water service is provided, addressed to “Current Resident.” The notice shall include, but is not limited to, all of the following information in a clear and legible format:

1. The customer’s name and address.
2. The amount of the delinquency.

3. The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential 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 to petition for bill review and appeal.
 6. A description of the procedure by which the customer may request a deferral, reduced or alternative payment schedule, including an amortization of the delinquent residential water service charges.
- B. ***Contact by Telephone.*** When the City contacts the customer name on the account by telephone, the City shall offer to provide this policy in writing to the customer. The City shall offer to discuss options to avert discontinuation of residential water service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.
- C. ***Good Faith Noticing Requirements.*** If the City is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the City shall make a good faith effort to visit the residence and leave or make other arrangements for placement in a conspicuous place, a notice of imminent discontinuation of residential water service for nonpayment and this policy.

Restrictions on Discontinuation of Residential Water Service

1. The City shall not discontinue residential water service for nonpayment if all of the following conditions are met:
 - a. The customer or a tenant of the customer submits to the City the certification of a 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.
 - b. The customer demonstrates that he or she is financially unable to pay for water service within the City's normal billing cycle. The customer shall be deemed financially unable to pay for water service within the City's normal billing cycle if 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 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 amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, with respect to all delinquent charges.
2. If the conditions listed above are all met, the City shall offer the customer one or more of the following options:
 - a. Amortization of the unpaid balance.

- b. Participation in an alternative payment schedule.
- c. A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
- d. Temporary deferral of payment.

Alternative Payment Arrangements

1. The Finance Director, or designee, may choose which of the payment options described in the preceding section, the customer undertakes and may set the parameters of that payment option. The agreed upon payment option must be in writing and signed by the customer. A down payment of 20% of the customer's outstanding balance will be due at the time of signing. The repayment of any remaining outstanding balance shall be made within 12 months.
2. The customer must comply with the terms of the repayment and remain current on 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.
3. Residential water service may be discontinued no 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. The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan 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 for delinquent charges, the customer does not pay his or her current residential water service charges for 60 days or more.

Services Involving Landlord-Tenant Relationships

- A. Individually metered residential water service. For residential occupants receiving water services through an individual meter in a detached single-family dwelling, a multiunit residential structure or mobile home park, and the owner, manager or operator is the customer of record, 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. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the water service will then be billed, without being required to pay any amount which may be due on the delinquent account.
- B. Residential water service through a master meter. For residential occupants receiving water services through a master meter in a multiunit residential structure or mobile home park, and the

owner, manager or operator is the customer of record, the City shall not 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 and the City's ordinances, resolutions, rules and regulations. 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, the City shall make service available to those residential occupants who have met those requirements.

Restoration of Residential Water Service

In order to restore residential water service that has been discontinued for nonpayment, the customer must pay a reconnection fee of \$15 and a deposit of \$20 in addition to the amount of delinquent bills and penalties.

For the reconnection of residential water service during nonoperational hours, the customer must pay the after-hour fee of \$60, a reconnection fee of \$15 and a deposit of \$20 in addition to the amount of delinquent bills and penalties.

The City shall waive interest charges on delinquent bills once every 12 months.

Appeals Process

A customer who desires to dispute the accuracy of a bill, shall, no later than 60 days from the date of the original bill, submit a written request to the City's Finance Director, or designee, for review of the bill. Upon receipt of such request, the Finance Director or designee shall evaluate the request and evidence provided by the customer and the information on file with the City concerning the charges in question. Within 10 business days after receipt of the customer's request for review, the Finance Director or designee shall render a decision as to the accuracy of the charges set forth on the bill and shall provide the customer with a brief written summary of the decision. All decisions of the Finance Director will be final.

The City shall not discontinue residential water service while the appeal is pending.

Reporting Requirements

The City shall report annually the number of discontinuations of residential water service for inability to pay on the City's website and the State Water Resources Control Board.

Limitations

Nothing in this policy restricts, limits or otherwise impairs the City's ability to terminate service to a customer for reasons other than those explicitly stated in this policy, including, but not limited to, the unauthorized actions of the customer.