

**POLICY GOVERNING THE DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT OF WATER RATES AND CHARGES**

*In accordance with California law, this policy is also available in Spanish, Chinese, Tagalog, Vietnamese, and Korean. Please contact The District to obtain a copy in a desired language.*

**1) Scope and Purpose**

- a. Under existing law, Loleta Community Services District “The District” reserves the right to discontinue (shut-off) water service to residential and commercial properties in the event of nonpayment for water service. The purpose of this policy is to (i) provide regulations for the manner in which residential water service may be disconnected in the event of nonpayment; (ii) to provide adequate safeguards to ensure residential customers and occupants are provided adequate notice and a fair opportunity to contest the water bill before water service is disconnected; and (iii) to provide potential alternative payment arrangements for residential customers who qualify.
- b. This policy does not apply to or otherwise affect The District’s ability to discontinue water service to nonresidential customers or to discontinue water service to residential customers for reasons other than nonpayment of rates and charges.
- c. The District reserves the right to amend this Policy by resolution at a properly noticed meeting. Other than as may be required by the Ralph M. Brown Act, no further notice, including but not limited to individual written notice to customers, is required to amend this Policy.
- d. This policy is intended to be consistent with California law governing the disconnection of residential water service. To the extent there is any inconsistency between this policy and California law, California law will control.

**2) Discontinuation of Water Service to Residential Units**

- a. The District reserves the right to discontinue water service to residential units, including, but not limited to, single-family dwellings, multi-unit residential structures, and mobile home parks, in the event a water bill remains unpaid for a period of sixty (60) calendar days after it becomes delinquent. Delinquency is measured from the date the payment is due as stated on the water bill. Additionally, before the date water service is discontinued, The District must contact the customer named on the account by phone at least seven (7) calendar days prior to discontinuation of service or by written notice at least ten (10) calendar days prior to discontinuation of service. If the mailing is returned as undeliverable, The District will make a good faith effort to post the notice in a conspicuous place on the property where service is provided. It is the customer’s obligation to ensure The District has a current mailing address on file.
  - i. If the customer is contacted by phone, The District representative must do each of the following:
    1. Offer to provide The District’s written disconnection policy for disconnection of residential water service; and
    2. Offer to discuss options to avert disconnection of residential service, including, but not limited to, alternative payment schedules, deferred

- payments, minimum payments, procedures for requesting amortization of the unpaid balance; and
3. Offer to discuss the process to appeal the delinquency.
- ii. If notice of the impending disconnection is provided in writing, The District must comply with all of the following requirements:
    1. The notice should be mailed via first class mail and a copy retained for the file.
    2. The notice must contain all of the following in a “clear and legible format”:
      - a. The customer’s name and address.
      - b. The amount of the delinquency.
      - c. The date by which payment or other arrangement for payment is required to avoid discontinuation of service.
      - d. The date service will be discontinued if payment or other arrangement for payment is not in place.
      - e. A description of the process to apply for an extension of time to pay the delinquent charges.
      - f. A description of the procedure to petition for bill review and appeal.
      - g. A description of the procedure by which the customer may request deferment in the delinquent payment or an alternative payment schedule.
      - h. Information on how to restore water service after discontinuation.
      - i. For certain tenant occupied units in which the landlord is the customer, the tenants’ have the option to avoid service disconnection by becoming a direct customer of the City/District.

**3) Right to Appeal the Delinquent Water Bill**

- a. Residential customers who dispute their water bill have the right to appeal (contest) the amount due. An appeal must be submitted in writing and received by The District no later than the fourth (4th) day before the date described in the notice as the intended discontinuation date, unless the fourth day falls on a weekend or federal holiday, in which case the written notice of appeal must be received on the next business day following the weekend or holiday.
  - i. To be valid, a notice of appeal must, at minimum, provide the following information: (i) name of customer, (ii) phone number, (iii) address where notices can be mailed, (iv) the particular water bill(s) appealed, (v) a brief statement of the ground for the appeal.
- b. The District will contact the customer at the phone number provided on the notice of appeal to provide notice of the date, time, and location for the appeal hearing. The hearing will normally take place within three to five business days, subject to the General Manager’s availability, following receipt of the notice of appeal. Customers

may request one continuance for a period not to exceed three business days upon a showing of good cause.

- c. The General Manager will hear the appeal and render a final decision at the conclusion of the hearing in writing. At the hearing, customers have the right, but not the obligation, to present documents, call witnesses, and have counsel. For purposes of the appeal, the water bill is presumed valid and the burden of proof rests with the customer to demonstrate otherwise. Except as may be expressly provided by law, the decision of the General Manager shall be final, unless otherwise directed by the Board of Directors.
- d. Water service will not be discontinued while the appeal is pending. In the event the appeal is denied, water service may be discontinued, without further written notice, no sooner than three days after the hearing if payment is not made in full.

**4) Alternative Payment Arrangements for Qualifying Customers**

- a. Under certain qualifying conditions, customers who are facing a residential water service disconnection may be eligible to participate in alternative payment arrangements. Customers who are able to demonstrate each of the following are eligible to participate in an alternative payment arrangement:
  - i. The customer, or a tenant of the customer, submits to The District the certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where service is provided. For purposes of this requirement, a “primary care provider” means any of the following: any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or any primary care clinic, rural health clinic, community clinic or hospital outpatient clinic currently enrolled in the Medi-Cal program, which agrees to provide case management to Medi-Cal beneficiaries.
  - ii. The customer demonstrates a financial inability to pay for water service within the normal billing cycle. A customer is deemed financially unable to pay 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 Woman, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.
  - iii. The customer agrees in writing on a form provided by The District to comply with the alternative payment arrangement proposed by The District.

**5) Requesting an Alternative Payment Plan**

- a. If a customer believes they qualify to participate in an alternative payment plan, the customer must contact The District as soon as possible at the phone number below, but in no event after the time to appeal the water bill has expired, to inform The District that the customer intends to submit information to establish eligibility to participate in an alternative payment arrangement. After such notice is provided, the

customer must submit documentation demonstrating the customer meets the first two requirements described above no later than five (5) calendar days after the date set for the intended service disconnection.

- b. It is the customer's obligation to ensure the timely submission of complete and satisfactory documentation demonstrating eligibility. If the information is not submitted in a timely manner or if the information is incomplete, The District will provide notice of a new intended disconnection date no earlier than five (5) calendar days after mailing. In such a circumstance, the only way to avoid the disconnection of service is the payment, in full, of all delinquent charges.

#### **6) Alternative Payment Options**

- a. At its election, The District may offer you one of three alternative payment plans for the delinquent amount. Customers who are approved for an alternative payment plan for a delinquent amount must still keep current with ongoing water service billing or water service may be disconnected.
  - i. Temporary deferral of payment. For delinquencies less than one hundred dollars (\$100), The District may offer customers the opportunity to temporarily defer payment of the delinquent amount to a certain date in the future.
  - ii. Amortization of unpaid amount. The District may offer customers the opportunity to amortize the delinquent amount over a period not to exceed twelve (12) months at The District's election.
- b. Once the customer is placed on one of the above options, water service may be discontinued if one of the following events occurs and after providing five (5) days written notice of final intent to discontinue water that is posted in a conspicuous place on the property:
  - i. The customer fails to comply with an amortization agreement or an alternative payment schedule for delinquent charges for 60 days or more; or
  - ii. While undertaking an amortization agreement or an alternative payment schedule for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

#### **7) Contacting the District**

**LOLETA COMMUNITY SERVICES DISTRICT**  
**MAILING ADDRESS: P.O. BOX 236, LOLETA CA 95551**  
**PHYSICAL ADDRESS: 358 MAIN ST, LOLETA CA 95551**  
**TELEPHONE: (707) 733-1717**  
**EMAIL: loletacsd@att.net**