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# Water Shut-off Policy

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## Purpose

This policy establishes the City of Avenal Utility Billing Department's administrative actions for the collection of delinquent accounts, including notifications, fee assignments and discontinuation of service. This policy will be made available to the public on the City's website. A customer can contact the City by phone at (559) 386-5766 to discuss options for averting termination of water service for nonpayment under the terms of this policy. Also, a customer can find additional information on the City's official website at [www.cityofavenal.com](http://www.cityofavenal.com).

## General Policy

### **Compliance:**

It is intended that this Policy shall comply with Ca. SB998 (2018), as that Senate Bill was enacted and codified into California Health and Safety Code 116900, et seq.

### **Delinquent Account:**

The Avenal Municipal Code has set the water billing period to be monthly and the payment date will be the 1st of the month following the month of service delivery and deems water bills delinquent if not paid by the end of the 1st day of the month (or next business day) following the billing period (Avenal Municipal Code).

The following rules shall apply to the collection of delinquent accounts:

1. **Small Balance Accounts:** Any balance on a bill of \$20 or less may be carried over, and added to, the next billing period without incurring further collection action.
2. **Delinquent Notice:** If payment for a bill is not received by 4:30 p.m. on the 1st day of the month following the billing period, a late fee will be assessed. The due date and late fee will be displayed prominently on the bill. Upon a bill becoming delinquent, the Water Department shall give the person or entity responsible for payment of the bill (hereinafter referred to as "customer") a notice of delinquency stating that water service will be discontinued after 60 days. The delinquent notice will be mailed to the mailing address designated on the account. The City Utility Billing Department assumes no responsibility for contact information that has not been kept up to date by the customer.
3. **Collection Timeline Narrative.** Attached to this Policy as Exhibit A is a narrative of the timeline and process for collection and/or discontinuation of service (the "Collection Timeline Narrative"). The Narrative is not intended to substitute for this Policy, but provides a narrative of how the Policy is intended to comply with the Municipal Code and California Health and Safety Code 116900, et seq.
4. **First Disconnection Notice:** The City shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least 60 days. The City shall give the customer a first notice of disconnection approximately 30 days but in no event less than seven business days before termination of service for non-payment. The written first disconnection notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to "Occupant". The first written disconnection notice will include:
  - Amount that is past due
  - Date by which payment or payment arrangements are required to avoid termination of service
  - Description of the process to apply for an amortization plan
  - Description of the process to dispute or appeal a bill
  - City phone number and a web link to the City's written collection policy

a. **Notice to Residential Tenants/Occupants in an Individually Metered Residence**

The City will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least ten days

before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the City without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at that address. In order for the amount due on the delinquent account to be waived, the tenant/occupant must provide verification of tenancy in the form of a rental agreement.

b. Notice to Tenants/Occupants in a Multi-Unit Complex Served through a Master Meter

The City will make a reasonable, good faith effort to inform the occupants, by means of written notice hung on the door of each residence, when the water service account is in arrears and subject to disconnection at least ten days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the City without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at the address(es) served by the master meter. If one or more of the occupants are willing and able to assume responsibility for the subsequent charges for water service to the satisfaction of the City, or if there is a physical means, legally available to the City, of selectively terminating service to those occupants who have not met the requirements for service, the City will make service available to the occupants who have met those requirements.

5. Courtesy Call: The City will make a reasonable, good faith effort to notify the customer in advance of disconnection of water service for non-payment. The means of notification will be by phone. The courtesy call is meant entirely as a courtesy and failure of the City to send the notice or failure by the customer to receive the notice shall not constitute an acceptable reason for non-payment or delay of disconnection.

6. Final Disconnection Notice: Failure to comply with the terms of an amortization plan for 60 days or more or failure to pay current residential service charges for 60 days or more will result in the issuance of a final disconnection notice. The final disconnection notice will be in the form of a door hanger delivered to the premises no less than five business days in advance of discontinuance of service.

7. Alternative Payment Arrangements / Extension of Time to Pay: Any customer who is unable to pay for water service within the normal payment period may appeal the disconnection and request an alternative payment arrangement and/or extension of time to pay in order to avoid disruption of service.

Pursuant to Ca. Health and Safety Code §116910, if all three of the following conditions are met, an alternative payment arrangement and/or extension of time to pay will be granted:

- Health Conditions – a primary care provider certifies in writing that discontinuation of water service would be life threatening or pose a serious threat to the health/safety of a resident (can be any resident in the residence); and
- Financial Inability – the customer declares that they are 200% below the federal poverty line or participate in public assistance programs such as Medi-Cal or CalWORKs; and
- Payment Arrangements – the customer agrees to a payment arrangement as offered by the City. Such payment arrangement shall include either a temporary deferral of payment, or an amortization plan. A temporary deferral of payment shall only be provided by the City if the customer provides a demonstrated ability to repay within the deferral period. A payment arrangement that extends into the next billing periods will be considered an amortization plan, which may be up to 12 months (at the discretion of the City), and which must be in writing and signed by the customer. The amortized payments will be combined with, and subject to the due date of, the customer's regular bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.

If the three conditions above are not met, pursuant to Ca. Health and Safety Code §116906(a), any customer who is unable to pay for water service within the normal payment period may request an alternative payment arrangement and/or extension of time to pay in order to avoid disruption of service. However, said arrangement is discretionary, subject to appeal. The City shall not discontinue water service for non-payment if a customer has requested and entered into an alternative payment arrangement. Payment arrangements that extend into the next billing period are considered an amortization plan, which must be in writing and signed by the customer. Amortization plans under this paragraph will require a down payment of twenty (20) percent of the customer's outstanding balance, including late fees, due at the time of signing. An amortization plan under this paragraph will amortize the remaining unpaid balance over a period not to exceed 2 months. The amortized payments will be combined with, and subject to the due date of, the customer's regular bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.

In all cases wherein an alternative payment arrangement has been agreed, failure on the part of the customer to comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period will result in the cancelation of the alternative payment arrangement and discontinuance of water service pursuant to this Policy. Notice to the customer will be in the form of a door hanger delivered to the premises no less than five business days in advance of discontinuance of service.

8. Disconnection Deadline: Unless an alternative payment arrangement has been executed, all delinquent water service charges and associated fees must be received by the City by 4:30 p.m. on the day specified in the written disconnection notice.

9. Disconnection of Water Service for Non-Payment: The City will disconnect water service by turning off, and in some cases locking off, the meter. Before service is disconnected, the customer will be notified by a delinquent notice, a first disconnection notice, a courtesy call, and a final disconnection notice (door hanger).

10. Re-establishment of Service: In order to resume or continue service that has been disconnected for non-payment, the customer must pay a re-establishment fee of \$30. The City will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next regular working day following payment of any past due amount and delinquent fees attributable to the termination of service. Water service that is turned on by any person other than a City employee Water Department personnel or without City Water Department authorization may be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.

11. Re-establishment of Service After Business Hours: Requests for services to be restored after 3:00 pm Monday through Friday, weekends, or holidays will be charged an after-hours re-establishment fee of \$60. Service will not be restored after regular business hours unless the customer has been informed of the after-hours re-establishment fee.

12. Disputed Bills and Appeals: If a customer disputes a bill, or any part of this Policy, they must follow the procedure outlined in the City's Municipal Code. Appeals must be in writing and submitted within 31 days after a delinquency notice has been issued. If a customer disputes the water bill and exercises their right to appear to the City Manager, the water service shall not be disconnected while the appeal is pending.