

LINDEN COUNTY WATER DISTRICT
DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT POLICY

1. Application of Policy. This Discontinuation of Residential Water Service for Nonpayment Policy (“Policy”) shall apply to all In-District and Out-of-District residential water service accounts, but shall not apply to any accounts for non-residential service. To the extent that this Policy conflicts with any provisions of Linden County Water District’s (“District”) existing Ordinances, Resolutions or Policies regarding water service and water users, this Policy shall supersede.

2. Contact Information. For questions or assistance regarding a water bill, the District’s Office Manager can be reached at 209-887-3216. Customers may also visit the District office in person Monday through Friday from 9:00 a.m. to 3:30 p.m., except District holidays.

3. Billing Procedures. Monthly utility bills are payable to the District by the 5th of each month, and are considered delinquent after that date.

4. Discontinuation of Water Service for Nonpayment. A customer cannot be three (3) months past due (90 days); they may be two (2) months past due and owe for the current month. If a payment of at least the oldest invoice (one month) is not received by the 5th of the current month, the account becomes 90 days delinquent and the District may discontinue water service to the service address.

4.1 Written Notice to Customer. The District will provide by mail a written notice to the customer of record at least fifteen (15) days before discontinuation of water service. The notice shall contain the following:

- a. Name and address of customer
- b. Amount of delinquency
- c. Date that a payment or payment arrangement must be made to avoid discontinuation of service
- d. Description of the procedure by which a customer may request an alternative payment arrangement as described in **Section 6**

4.2 Written Notice to Occupants or Tenants. If the District furnishes individually metered service to a single-family dwelling or multi-unit residential structure and the property owner or management company is the customer of record, the District will also send a notice to the occupants living at the service address at least fifteen (15) days before discontinuation of water service. This notice will be addressed to “Occupant”, will contain the information required in **Section 4.1** above and will also inform the residential occupants of their right to become customers of the District without being required to pay the delinquent amount due. Terms and conditions for an occupant to become a customer are provided in **Section 8**.

4.3 Posting of Notice at Service Address. At least forty-eight (48) hours before discontinuation of service, the District will leave a door-hanger notice of imminent discontinuation of residential service and a copy of this Policy at the service address. The notice shall include:

- a. Name and address of customer
- b. Amount of delinquency
- c. Date that a payment or payment arrangement must be made to avoid discontinuation of service
- d. Description of the procedure by which a customer may request an alternative payment arrangement as described in **Section 6**

4.4 Disconnection Deadline. Payments on a delinquent account must be received in the District office no later than 1:30 p.m. on the date specified on the shut-off notice, unless prior arrangements are made.

4.5 Circumstances Under Which Service Will Not Be Discontinued. The District will not discontinue residential water service for nonpayment under the following circumstances:

- a. During an investigation by the District of a customer dispute or complaint under **Sections 5.1** and **5.2**.
- b. During a pending appeal to the District's Board of Directors under **Section 5.3**
or
- c. During the period of time in which a customer's payment is subject to a District-approved alternative payment arrangement as per **Section 6**, and the customer remains in compliance with the approved payment arrangement.

4.6 Special Medical and Financial Circumstances Under Which Service Will Not Be Discontinued.

- a. The District will not discontinue water service if all of the following conditions are met:
 - The customer, or a tenant of the customer, submits to the District the certification of a licensed 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 where residential service is provided;
 - The customer demonstrates that he/she is financially unable to pay for residential water service within the District's normal billing cycle as per the qualifications in **Section 7.2**;
and
 - The customer is willing to enter into an alternative payment arrangement as described in **Section 6**
- b. The customer is responsible for demonstrating that the conditions in subsection (a) above have been met, by providing documentation at least forty-eight (48) hours prior to the disconnection date. The District will review all documents within seven (7) days and: (1) will not discontinue water service during this review period; (2) may request additional information from the customer; (3) will notify the customer of the alternative payment selected by the District and request that the customer sign the agreement to participate in the payment arrangement; or (4) notify the customer that the conditions of **Subsection a.** were not met. The District reserves the right to extend the customer's documentation submission period at the District's discretion.
- c. The District may discontinue water service if a customer who has been granted an alternative payment arrangement under this section fails to pay any amount due under the arrangement or pay current charges of subsequent bills for service. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of water service. The final notice will not entitle the customer to any investigation or review by the District.

4.7 Time of Discontinuation of Service. The District will not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during which the District office is not open to the public.

4.8 Restoration of Service. Customers whose water service has been discontinued may contact the District by telephone or in person regarding restoration of service. Reinstatement shall be subject to payment of any past due amounts, including late fees and shut off charges, and a reconnection fee of either \$15.00 during normal business hours or \$80.00 for an after-hours call-out. Payment must be made in cash. No checks or credit cards accepted.

5. Procedures to Contest or Appeal a Bill.

5.1 Time to Initiate Complaint or Request an Investigation. A customer may initiate a complaint or request an investigation regarding the amount of a bill within fifteen (15) days of receiving a disputed bill. For purposes of this section only, a bill shall be deemed received by a customer five (5) days after mailing unless a postmark shows otherwise.

5.2 Review by District. A timely complaint or investigation request shall be researched and reviewed by the District's General Manager and/or Office Manager. The review will include consideration of whether the customer may receive an alternative payment arrangement as outlined in **Section 6**, with a written determination then provided to the customer.

5.3 Appeal Hearing. Any customer whose timely complaint or investigation request pursuant to **Section 5** has resulted in an adverse determination by the District may appeal the decision. A written notice to appeal must be received by the District within ten (10) business days of the District's mailing of its determination. Following receipt of a request for an appeal or review, a hearing date shall be promptly set before the General Manager or designee ("Hearing Officer"). After evaluation of the evidence provided by the customer and information on file with the District concerning charges in question, the Hearing Officer shall render a decision as to the accuracy of the charges set forth on the bill and shall provide the appealing customer with a brief written summary of the decision.

5.4 Appeal to Board of Directors. Any customer whose timely appeal hearing pursuant to **Subsection 5.3** has resulted in an adverse determination by the Hearing Officer may appeal the determination to the Board of Directors by filing a written notice of appeal with the Board Secretary within ten (10) business days of the District's mailing of its determination, or may appeal in person during a regularly scheduled board meeting. Upon receiving the notice of appeal, the Board Secretary will put the item on the agenda and mail the customer written notice of the time and date of the hearing at least ten (10) business days before the meeting. The customer will be required to personally appear before the Board and present written and/or oral evidence or reasons why billing charges in question are not accurate. The Board shall evaluate the evidence presented by the customer, as well as District billing information and render a decision as to the accuracy of said charges. The decision of the Board shall be final.

6. Alternative Payment Arrangements.

6.1 Time to Request an Alternative Payment Arrangement. If a customer is unable to pay a bill during the normal payment period, the customer may request an extension or other alternative payment arrangement described in this section. If a customer submits a request within 13 (thirteen) days after mailing of a written notice of discontinuation of service by the District, the request will be reviewed by the General Manager and/or Office Manager. District decisions regarding extensions and other alternative payment are final and not subject to appeal to the District's Board of Directors.

6.2 Alternative Payment Schedule. If approved by the District, a customer may pay the unpaid balance pursuant to an alternative payment schedule that will not exceed twelve (12) months as determined by the District's General Manager and/or Office Manager. During the period of the alternative payment schedule, the customer must remain current on all subsequent billing periods. The alternative payment schedule and amounts due will be set forth in writing and provided to the customer for their required signature indicating agreement and adherence to the schedule.

6.3 Failure to Comply. The customer must comply with the agreed upon payment schedule and remain current as charges accrue in each subsequent billing period. The customer may not request another payment schedule for any subsequent unpaid charges while paying delinquent charges pursuant to a previously agreed upon schedule. If the customer fails to comply with the terms of the agreed upon payment schedule for a bill that is delinquent for more than sixty (60) days, the District may discontinue water service to the customer's property. The District will hang a final notice

of intent to discontinue service on the front door at the residence of the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

6.4 Payment Reductions or Waivers. Reductions or waivers of water service charges not available at this time.

7. Specific Programs for Low Income Customers.

7.1 Waiver of Late Fees. For residential customers who demonstrate to the District a household income below 200 percent of the federal poverty line, the District will waive the late fee on a delinquent bill once every twelve (12) months. The District will apply the waiver to the most current monthly late fee that is unpaid at the time of the customer's request.

7.2 Qualifications. The District will deem a residential customer to have a household income below 200 percent of the federal poverty line if: (a) 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 (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

8. Procedures for Occupants or Tenants to Become Customers of the District. This section shall apply only when the property owner, landlord or property management company of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue service due to nonpayment.

8.1 Agreement to District Terms and Conditions of Service. The District will make service available to the occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the District's rules and regulations. However, if at least one of the occupants is willing to assume responsibility for all subsequent charges, or if there is a physical means of discontinuing service to those occupants who do not meet the District's rules and requirements, then the District will make service available to the occupants who meet them.

8.2 Verification of Tenancy. To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall verify that the delinquent account customer of record is or was the landlord or property manager of the dwelling. Verification may include, but is not limited to, a lease or rental agreement or rent receipts paid by the occupant.

9. Language for Certain Written Notices. All written notices under **Section 4** and **Section 6** of this Policy may be provided in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, or any other language spoken by ten percent (10%) or more people within the District's service area, per the requirements of SB 998 – the Water Shutoff Protection Act.

10. Other Remedies. In addition to discontinuation of water service, the District may pursue any other remedies available in law or equity for nonpayment of service including, but not limited to, securing delinquent amounts by filing liens on real property, filing a claim or legal action or referring the unpaid amount to collections. In the event a legal action is decided in favor of the District, the District shall be entitled to the payment of all costs and expenses, including attorney's fees and accumulated interest.

11. Discontinuation of Water Service for Other Customer Violations. The District reserves the right to discontinue water service for any violations per District ordinances, resolutions or policies other than nonpayment.

12. Annual Disconnections Notice. Annually, the District shall post on its website www.lindencwd.com and notify the Board of Directors, the total number of discontinuations of residential water service due to the inability to pay.