



## POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT

Notwithstanding any other policy or rule, this Policy on Discontinuation of Residential Water Service for Non-Payment shall apply to the discontinuation of residential water service for non-payment under the provisions set forth herein. In the event of any conflict between this Policy and any other policy or rule, this Policy shall prevail.

### **Purpose & Background**

Pursuant the State of California Water Shutoff Protection Act (Senate Bill 998), the City of Watsonville developed the written policy regarding the disconnection of residential water service for non-payment. Hereinafter referred to as the “water shut-off policy”.

### **Text of Policy**

This policy shall apply only to residential water service for non-payment and all existing policies and procedures shall continue to apply to commercial and industrial water service accounts. Further assistance concerning the payment of water bills and the potential establishment of the alternatives set forth in this policy to avoid discontinuation of service can be obtained by calling the City of Watsonville Public Works and Utilities Billing Division (Billing) at (831) 768-3455 during business hours.

#### **A. Delinquent Accounts**

The City of Watsonville shall not disconnect water service for non-payment until payment by the customer has been delinquent for at least sixty (60) days. The following will apply:

- **Late Fee:** If payment for a bill is not received by close of business day on the stated due date, a 10% late charge is assessed and added to the outstanding balance on the customer's account.
- **Small Balance:** Any delinquent balance on the bill of \$50.00 or less will be carried over and added to the next billing period without incurring further collection action.

#### **B. Delinquent Notice**

Bills for water service will be rendered to each customer on a monthly basis. Bills for service are due and payable upon presentation and become overdue and subject to discontinuation of service if not paid within sixty (60) days from the date of the bill. Payment may be made at the City's billing office in person via cash, money order, cashier's check, personal check and accepted credit card. Payments can also be made by calling and speaking to a customer service representative and using an accepted credit card at (831) 768-3455 during business hours. Customers can also make payments by calling our 24-hour automated phone system at 1 855-748-3077. Payments are also accepted at the following website where customers can also sign up for online billing and automatic payments; <https://www.onlinebiller.com/watsonville/>.

**C. First Disconnection Notice:**

The City will make a reasonable, good faith effort to contact the customer in writing at least seven (7) business days before discontinuation of water service for non-payment. The written notice of discontinuation 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 written discontinuation notice will include the following:

- Customer's name and address;
- Amount that is past due;
- Date by which payment or arrangement for payment must be made in order to avoid discontinuation of service;
- A link and contact information where they can receive a copy of ***POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT AND PROCESS TO APPLY FOR A PAYMENT ARRANGEMENT***

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

The City shall make a reasonably good faith effort to inform the tenants/occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least ten (10) days before water service is shutoff. The written notice will advise the tenant/occupant that they have the right to become customers of the City without being required to pay amount due on the delinquent account, so long as they are willing to assume financial responsibility for subsequent charges for water service at the 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 or proof of ownership. Tenants/Occupants interested in becoming customers will need to meet all requirements set by the City prior to signing up for service in accordance with Municipal Code Section 6-3.306.

**E. Notice to Tenants/Occupants in a Multi-Unit Complex Served Through a master Meter**

The City shall make a reasonably good faith effort to inform the tenants/occupants of each residence, by means of written notice (i.e. door hanger) to each residence, when the water service account is in arrears and subject to disconnection at least ten (10) days before water service is shutoff. The written notice will advise the tenant/occupant that they have the right to become customers of the City without being required to pay amount due on the delinquent account, so 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. 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 or proof of ownership.

Tenants/Occupants interested in becoming customers will need to meet all requirements set by the City prior to signing up for service in accordance with Municipal Code Section 6-3.306.

**F. Final Notice**

The City will make a reasonably, good faith effort to notify the customers in advance of the disconnection of water service due to non-payment. The means of notification will be by phone or personal contact. If such notice cannot be accomplished by phone or personal contact, then a notice will be provided by mail, email, text or by posting it on the premises.

**G. Disconnection Deadline**

All payments for delinquent water service charges and associated fees must be received by the City no later than the close of business day on the specified date written on the disconnection notice.

**H. 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 written disconnection notice at least seven (7) business days prior to termination. The customer will be charged a fee to reestablish service in the billing system regardless of whether meter has physically been turned off.

**I. Reconnection of Service During Business Hours**

In order to resume or continue service that has been disconnected for non-payment, the customer must pay a reconnection fee. The City will work to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next business 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 City personnel or without City authorization shall be subject to a meter tampering fee. Any damages that occur as a result of unauthorized restoration or service are the responsibility of the customer.

**J. Reconnection of Service After Business Hours**

Service restored after regular business hours Monday through Friday, weekends, or holidays will be charged an after-hours reconnection fee. Service will not be restored after regular business hours unless the customer has been informed of the after-hours reconnection fee and has signed an agreement acknowledging the fee and agreeing to contact the City's billing office no later than noon the following business day to pay the subject fee. The after-hours re-establishment fee is in addition to their past due balance. City staff responding to service calls are not permitted to collect payment but will instruct the customer to contact the City's billing office before noon the following business day.

Sometimes water service is discontinued because the service is a new account and the City has not received a request to establish service. If service is being restored after regular business hours because the customer has yet to establish service, the customer must agree to contact the billing department to establish service the next business day and the after-hours re-

establishment will be waived. If service is discontinued for any reason not identified above, the service should be restored as quickly as possible and the customer advised to contact the billing department to resolve the issue. No after-hours re-establishment fee will be charged in this instance.

#### **K. Reconnection Fees**

If service has been discontinued and is to be reconnected during regular operating hours, there will be a reconnection fee. If service has been discontinued and is to be reconnected during non-business hours, the customer must pay an after-hours reestablishment fee.

#### **L. Fee Waiver and Reconnection Fees and Process**

At the request of the customer the City will waive the late fee if there are extenuating circumstances and the customer has not been assessed a late fee within the last twelve (12) months. The State of California, because of a sound financial base and variations of budget approval and warrant payment procedures, will not be sent delinquent notices or assessed a late fee for delinquent payments of existing accounts.

#### **M. Appeals**

The procedure to be used to appeal the amount set forth in any bill for residential water service is set forth below. A customer shall be limited to one appeal in any twelve (12) month period and if that limit has been reached, the City is not required to consider any subsequent appeals commenced by or on behalf of that customer. For so long as the customer's appeal and any resulting investigation is pending, the City cannot discontinue water service to the customer.

- **Review by the City:** Upon receipt of written complaint or request, the appeals committee shall review the complaint and/or conduct an investigation determined to be appropriate in the appeals committee sole discretion. The investigation shall be completed within ten (10) days from receipt of the written complaint or request, where the customer shall be notified of the final decision.
- **Outcomes of Decision:** If the review and/or investigation results in favor of the customer, where the billing is incorrect, an adjustment shall be applied to the customer account. If the billing is correct, the bill balance shall be due ten (10) days from the customer being notified of the appeals committee's decision. If before completion of the investigation, additional bill(s) become due, the customer is required to make payment of the entire discontinuation of services, due to nonpayment, in accordance with this policy.
- **Appeal to the Public Works & Utilities Director or his/her designee:** Any customer, whose timely complaint or request for an investigation under this section resulted in a decision unsatisfactory to the customer, may appeal the decision to the Director or his/her designee by filing a written notice of appeal to the Public Works & Utilities Director, his/her designee within the ten (10) days of the City's mailing of its determination. Water service to any customer shall not be discontinued at any time

during which the customer's appeal to the City is pending. The decision of the Public Works & Utilities Director or his/her designee is final and binding.

**N. Delinquent Accounts of Residential Customers Financially Unable to Pay for Service with Medical Requirements to Access Water**

Per the conditions identified in Health & Safety Code Section 116910(a), if a customer satisfies ALL of the conditions in the referenced section, their water service cannot be shutoff for non-payment. The conditions require:

- The customer or tenant of the customer submits to the City certification from a primary care provider, as defined by the section 14088 of the Welfare & Institutions Code, that discontinuation of water service would be life threatening to, or pose a serious threat to the health and safety of a resident of the premises where the residential service is provided
- The customer demonstrates he or she is financially unable to pay for residential service within the City's normal billing cycle. The customer shall be deemed "financially unable to pay" for residential 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 (WIC); or the customer declares that the household's annual income is less than 200 percent (200%) of the federal poverty level.
- The customer is willing to enter into an amortization agreement (alternative payment agreement), consistent with this policy subject to section 116906(a) of the Health & Safety Code.

**O. Alternative Payment Arrangements**

For any customer who is unable to pay for water service within the normal payment period may request an alternative payment arrangement to avoid late fees or disruption of service. The City will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted. The alternative payment plan will require customer to pay 25% of past due balance in order to qualify for payment arrangements. The agreed upon schedule shall be set forth in writing and be provided to the customer. The alternative payment arrangement options include:

- Amortization:  
The customer shall pay the unpaid balance, over a period not to exceed twelve (12) months from the original date of the bill. The amortized payment will be combined with, and subject to the due date of, the customers 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. Failure to comply with the terms of an amortization plan will result in the issuance of a written disconnection notice. The disconnection notice will be in the form of a door hanger delivered to the premises no less than five (5) business days in advance of the discontinuance of service. If a customer breaks an alternative payment arrangement, set arrangement will become null and full balance will become due immediately. Customer will not be eligible for another payment arrangement for twelve (12) months from the date of the broken arrangement.

**P. Notification of Returned Checks**

Upon receipt of a returned check taken as payment of water services or other charges, the City of Watsonville will consider the account not paid. The City will make a reasonable, good faith effort to notify customer by door-hanger, phone or email of the returned check. At least forty-eight (48) hour notice of termination of service due to a returned check will be generated.

The customer's account may only be reinstated by receipt of outstanding charges including an additional \$25 return check fee in the form of cash, certified funds and accepted credit card. Once the customer's account has been reinstated, the account will be flagged for a one-year period indicating the fact that a non-negotiable check was issued and the City will require the customer to pay cash, certified funds or accepted credit card.

**Q. Publication**

This policy is available on the **City's website address**. This policy and all written notices issued under this policy are provided in English, Spanish, Tagalog, Mixteco and Portuguese.