

1 **RUBIDOUX COMMUNITY SERVICES DISTRICT**
2 **DISCONTINUATION OF RESIDENTIAL**
3 **WATER SERVICE FOR NON-PAYMENT POLICY**

4 1. **Application of Policy.** This Discontinuation of Residential Water Service for Non-
5 Payment Policy (this “Policy”) shall apply to all District accounts for residential water
6 service, but shall not apply to any accounts for non-residential service. To the extent this
7 Policy conflicts with any provisions of the Rubidoux Community Services District’s
8 (“District”) existing Ordinances, Resolutions and Policies regarding water service and
9 water users, this Policy shall control.

10 2. **Contact Information.** For questions or assistance regarding a water bill, the
11 District’s Customer Service staff can be reached at (951) 684-7580. Customers may also
12 visit the District’s Customer Service desk in person Monday through Friday from 8:00 a.m.
13 to 5:00 p.m., except on District holidays.

14 3. **Billing Procedures.** Water service charges are payable to the District once every
15 month. All bills for water service are due and payable upon receipt and shall be
16 considered delinquent if not paid within ten (10) days from the bill date.

17 4. **Discontinuation of Water Service for Nonpayment.** If a bill is delinquent for at
18 least sixty (60) days, the District may discontinue water service to the service address.

19 4.1 Written Notice to Customer. The District will provide a written notice to the
20 customer of record, referred to as the Late Fee/Shutoff Notice, at least fifteen (15) days
21 before discontinuation of water service. The notice shall contain:

- 22 (a) the name and address of the customer;
- 23 (b) the amount of the delinquency;
- 24 (c) the date by which payment or payment arrangements must be made
25 to avoid discontinuation of service;
- 26 (d) a description of the procedure by which the customer may request
27 an alternative payment arrangement, which may include an
28 extension, amortization, deferred, alternative payment schedule, or
29 payment reduction;
- 30 (e) a description of the procedure to petition for bill review and appeal;
31 and

EXHIBIT A

32 (f) the telephone number where the customer may request a payment
33 arrangement or receive additional information from the District.

34 4.2 Written Notice to Occupants or Tenants.

35 (a) If the District furnishes individually metered service to a single-family
36 dwelling, multi-unit residential structure, mobile home park, or farm labor camp, and the
37 property owner or manager is the customer of record, or if the customer of record's mailing
38 address is not the same as the service address, the District will also send a notice to the
39 occupants living at the service address at least fifteen (15) days before discontinuation of
40 water service. The notice will be addressed to "Occupant," will contain the information
41 required in Section 4.1 above, and will also inform the residential occupants that they
42 have the right to become customers of the District without being required to pay the
43 amount due on the delinquent account. Terms and conditions for occupants to become
44 customers of the District are provided in Section 8 below.

45 (b) If the District furnishes water to residences through a master meter,
46 the District will make a good faith effort, at least fifteen (15) days prior to termination, to
47 notify the residential occupants that the account is in arrears and the service will be
48 terminated on a date specified in the notice. The District will provide notice by either:
49 (i) mailing the notice to each residential unit; (ii) posting the notice on the door of each
50 residential unit, (iii) if providing notice to each unit is impracticable or infeasible, posting
51 two (2) copies of the notice in each accessible common area and at each point of access
52 to the structure or structures; or (iv) making some other good faith, reasonable effort to
53 provide written notice to the occupants. The notice will be addressed to "Occupant," will
54 contain the information required in Section 4.1 above, and will inform the residential
55 occupants that they have the right to become customers of the District without being
56 required to pay the amount due on the delinquent account. Terms and conditions for
57 occupants to become customers of the District are provided in Section 8 below.

58 4.3 Telephonic Notice. The District may also contact the customer named on
59 the account by telephone and offer to provide in writing to the customer a copy of this
60 Policy in addition to providing the same information as noted in Section 4.1(b)-(f).

61 4.4 Delivery of Final Notice. If payment has not been received after receipt of
62 the Late Fee/Shutoff Notice, or the Late Fee/Shutoff Notice was returned through the
63 mail as undeliverable, the District will certify mail a Final Shut Off Notice through the
64 United States Postal Service (USPS) at least ten (10) days before discontinuation of
65 service. If this mailing is returned, the District will call the owner of the account. If the
66 owner of the account remains unreachable, the District will visit the residence and leave
67 or make other arrangements for placement in a conspicuous place, a red Final Shut Off
68 Notice at least five (5) days before discontinuation of service. A copy of this Policy can
69 be accessed in various languages as required by Section 9, including English and

EXHIBIT A

70 Spanish, via the QR code contained on the red Final Shut Off Notice. The notice shall
71 include:

- 72 (a) the name and address of the customer;
- 73 (b) the amount of the delinquency;
- 74 (c) the date by which payment must be made to avoid discontinuation of
75 service; and
- 76 (d) the telephone number where the customer may make their payment
77 or receive additional information from the District.

78 4.5 Late Fee. A Late Fee, as specified in District Ordinance No. 104, shall be
79 assessed and added to the outstanding balance on the customer's account if the
80 amount owing on that account is not paid before the initial written notice of disconnection
81 is generated. This fee is charged to recover a portion of the cost associated with
82 preparation and delivery of the notice.

83 4.6 Disconnection Deadline. Payment for water service charges must be
84 received in the District offices no later than the regular close of business time on the
85 date specified in the notice of disconnection. Postmarks are not acceptable.

86 4.7 Circumstances Under Which Service Will Not Be Discontinued. The District
87 will not discontinue residential water service for nonpayment under the following
88 circumstances:

- 89 (a) During an investigation by the District of a customer dispute or
90 complaint under Sections 5.1 and 5.2 below;
- 91 (b) During the pendency of an appeal to the District's Board of Directors
92 under Section 5.3 below; or
- 93 (c) During the period of time in which a customer's payment is subject
94 to a District-approved alternative payment arrangement under
95 Section 6 below, and the customer remains in compliance with the
96 approved payment arrangement.

97 4.8 Special Medical and Financial Circumstances Under Which
98 Services Will Not Be Discontinued.

- 99 (a) The District will not discontinue water service if all of the following
100 conditions are met:

EXHIBIT A

- 101 (i) The customer, or a tenant of the customer, submits to the
102 District the certification of a licensed primary care provider that
103 discontinuation of water service will be life threatening to, or
104 pose a serious threat to the health and safety of, a resident of
105 the premises where residential service is provided (must
106 complete Form 998-A);
- 107 (ii) The customer demonstrates that he or she is financially
108 unable to pay for residential water service within the District's
109 normal billing cycle per the qualifications in Section 7.2 below
110 (must complete Form 998-B or 998-B2); and
- 111 (iii) The customer is willing to enter into an alternative payment
112 arrangement as described in Section 6 below, with respect to
113 the delinquent charges. The District's General Manager or
114 designee will select the most appropriate payment
115 arrangement, taking into consideration the information and
116 documentation provided by the customer (must complete
117 Form 998-C).
- 118 (b) The customer is responsible for demonstrating that the conditions in
119 subsection (a) have been met. Upon receipt of documentation from
120 the customer, which must be provided to the District at least forty-
121 eight (48) hours prior to the disconnection date, the District will
122 review the documentation within seven (7) days and: (1) will not
123 discontinue water service during this review period; (2) will notify the
124 customer of the alternative payment arrangement selected by the
125 District and request that the customer sign the agreement to
126 participate in the alternative arrangement (Form 998-C); (3) may
127 request additional information from the customer; or (4) notify the
128 customer that he or she does not meet the conditions in subsection
129 (a). The District reserves the right to extend the customer's
130 documentation submission period at the District's discretion.
- 131 (c) The District may discontinue water service if a customer who has
132 been granted an alternative payment arrangement under this section
133 fails to do any of the following for sixty (60) days or more: (a) to pay
134 any amount due under an alternative payment arrangement; or (b)
135 to pay current charges of subsequent bills for water service. The
136 District will post a final notice of intent to disconnect service in a
137 prominent and conspicuous location at the service address at least
138 five (5) business days before discontinuation of service. The final

EXHIBIT A

139 notice will not entitle the customer to any investigation or review by
140 the District.

141 4.9 Time of Discontinuation of Service. The District will not discontinue water
142 service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during
143 which the District's office is not open to the public.

144 4.10 Restoration of Service. Customers whose water service has been
145 discontinued may contact the District by telephone or in person regarding restoration of
146 service. Restoration shall be subject to payment of: (a) any past-due amounts, including
147 applicable interest or penalties; (b) a reconnection fee of \$50.00 during normal operating
148 hours and \$100.00 during non-operating hours, with an annual adjustment for changes
149 in the Bureau of Labor Statistics' Consumer Price Index for all Urban Consumers
150 (CPI-U) beginning January 1, 2021, subject to the limitations in Section 7.1, if
151 applicable; (c) and a security deposit, if required by the District. Payment must be made
152 in cash or credit card. Check payments will not be accepted.

153 **5. Procedures to Contest or Appeal a Bill.**

154 5.1 Time to Initiate Complaint or Request an Investigation. A customer may
155 initiate a complaint or request an investigation regarding the amount of a bill no later
156 than five (5) days after receiving the Late Fee/Shutoff Notice.

157 5.2 Review by District. A timely complaint or request for investigation shall be
158 reviewed by a manager of the District, who shall provide a written determination to the
159 customer within ten (10) business days of receipt. The review will include consideration
160 of whether the customer may receive an alternative payment arrangement as described
161 in Section 6 below.

162 5.3 Appeal Hearing. Any customer whose timely complaint or request for an
163 investigation pursuant to this Section 5 has resulted in an adverse determination by the
164 District may appeal the determination. A written notice of appeal must be received by the
165 District within ten (10) business days of the District's mailing of its determination.
166 Following receipt of a request for an appeal or review, a hearing date shall be promptly
167 set before the General Manager, or their designee (the "Hearing Officer") within five (5)
168 business days. After evaluation of the evidence provided by the customer and the
169 information on file with the District concerning the water charges in question, the Hearing
170 Officer shall render a decision as to the accuracy of the water charges set forth on the bill
171 and shall provide the appealing customer with a brief written summary of the decision.

172 5.4 Appeal to Board of Directors. Any customer whose timely appeal hearing
173 pursuant to this Section 5 has resulted in an adverse determination by the Hearing Officer
174 may appeal the determination to the Board of Directors by filing a written notice of appeal

EXHIBIT A

175 with the District Secretary within ten (10) business days of the District's mailing of its
176 determination, or may appeal in-person, orally, during a regularly scheduled board
177 meeting. Upon receiving the notice of appeal, the District Secretary will set the matter to
178 be heard at an upcoming Board meeting and mail the customer written notice of the time
179 and date of the hearing at least ten (10) days before the meeting. The customer will be
180 required to personally appear before the Board and present written or oral evidence or
181 reasons as to why the water charges on the bill in question are not accurate. The Board
182 shall evaluate the evidence presented by the customer, as well as the information on file
183 with the District concerning the water charges in question and render a decision as to the
184 accuracy of said charges. The decision of the Board shall be final.

185 **6. Alternative Payment Arrangements.**

186 6.1 Time to Request an Alternative Payment Arrangement. If a customer is
187 unable to pay a bill during the normal payment period, the customer may request an
188 extension or other alternative payment arrangement described in this Section 6. If a
189 customer submits a request within thirteen (13) days after mailing of the Late
190 Fee/Shutoff Notice by the District, the request will be reviewed by a manager of the
191 District. District decisions regarding extensions and other alternative payment
192 arrangements are final and are not subject to appeal to the District's Board of Directors.

193 6.2 Alternative Payment Schedule. If approved by the District, a customer may
194 pay the unpaid balance pursuant to an alternative payment schedule that will not exceed
195 twelve (12) months, or as determined by the District's General Manager or designee, in
196 their discretion. During the period of the alternative payment schedule, the customer
197 must remain current on all water service charges accruing during any subsequent billing
198 periods. The alternative payment schedule and amounts due will be set forth in writing
199 and provided to the customer for their required signature indicating agreement and
200 adherence to the schedule.

201 6.3 Failure to Comply. The customer must comply with the agreed upon
202 payment schedule and remain current as charges accrue in each subsequent billing
203 period. The customer may not request another payment schedule for any subsequent
204 unpaid charges while paying delinquent charges pursuant to a previously agreed upon
205 schedule. If the customer fails to comply with the terms of the agreed upon payment
206 schedule for a bill that is delinquent for sixty (60) days or more, the District may
207 discontinue water service to the customer's property. The District will post a final notice
208 of intent to disconnect service in a prominent and conspicuous location at the service
209 address at least five (5) business days before discontinuation of service. The final notice
210 will not entitle the customer to any investigation or review by the District.

211 6.4 Payment Reductions or Waivers. Reductions or waivers of water service
212 charges are not available at this time.

213 7. **Specific Programs for Low-Income Customers.**

214 7.1 Reconnection Fee Limits and Waiver of Interest. For residential customers
215 who demonstrate to the District a household income below 200 percent of the federal
216 poverty line, the District will:

217 (a) Limit any reconnection fees during normal operating hours to fifty
218 dollars (\$50), and during non-operational hours to one hundred
219 dollars (\$100). The limits will only apply if the District's reconnection
220 fees actually exceed these amounts. These limits are subject to an
221 annual adjustment for changes in the Bureau of Labor Statistics'
222 Consumer Price Index for All Urban Consumers (CPI-U) beginning
223 January 1, 2021.

224 (b) Waive interest charges on delinquent bills once every 12 months.
225 The District will apply the waiver to any interest charges that are
226 unpaid at the time of the customer's request.

227 7.2 Qualifications. The District will deem a residential customer to have a
228 household income below 200 percent of the federal poverty line if: (a) any member of the
229 household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal,
230 Supplemental Security Income/State Supplementary Payment Program, or California
231 Special Supplemental Nutrition Program for Women, Infants, and Children (Form 998-B),
232 or (b) the customer declares under penalty of perjury that the household's annual income
233 is less than 200 percent of the federal poverty level (Form 998-B2).

234 8. **Procedures for Occupants or Tenants to Become Customers of the District.**

235 8.1 Applicability. This Section 8 shall apply only when the property owner,
236 landlord, manager, or operator of a residential service address is listed as the customer
237 of record and has been issued a notice of intent to discontinue water service due to
238 nonpayment.

239 8.2 Agreement to District Terms and Conditions of Service. The District will
240 make service available to the occupants if each occupant agrees to the terms and
241 conditions of service and meets the requirements of the District's rules and regulations.
242 However, if at least one of the occupants is willing to assume responsibility for all
243 subsequent charges, or if there is a physical means of discontinuing service to those
244 occupants who do not meet the District's rules and requirements, then the District will
245 make service available to the occupants who do meet them.

246 8.3 Verification of Tenancy. To be eligible to become a customer without paying
247 the amount due on the delinquent account, the occupant shall verify that the delinquent
248 account customer of record is or was the landlord, manager, or agent of the dwelling.

EXHIBIT A

249 Verification may include, but is not limited to, a lease or rental agreement, rent receipts,
250 a government document indicating that the occupant is renting the property, or
251 information disclosed pursuant to Section 1962 of the Civil Code, at the discretion of the
252 District.

253 8.4 Methods of Establishing Credit. If prior service for a period of time is a
254 condition for establishing credit with the District, residence and proof of prompt payment
255 of rent for that period of time is a satisfactory equivalent.

256 9. **Language for Certain Written Notices**. All written notices under Section 4 and
257 Section 6 of this Policy shall be provided in English, Spanish, Chinese, Tagalog,
258 Vietnamese, Korean, and any other language spoken by ten percent (10%) or more
259 people within the District's retail service area.

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

266 11. **Discontinuation of Water Service for Other Customer Violations**. The District
267 reserves the right to discontinue water service for any violations per District ordinances,
268 rules, or regulations other than nonpayment.

269 12. **Decisions by District Staff**. Any decision which may be taken by the District's
270 General Manager under this Policy may be taken by their designee.

271 13. **Annual Disconnections Notice**. Annually, the District shall post on its website,
272 www.rcsd.org, and notify the Board, the total number of discontinuations of residential
273 water service due to the inability to pay.