

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

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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 Posting of Final Notice at Service Address. If payment has not been
62 received after receipt of the Late Fee/Shutoff Notice, or the Late Fee/Shutoff Notice was
63 returned through the mail as undeliverable, the District will visit the residence and leave,
64 or make other arrangements for placement in a conspicuous place, a red Final Shut Off
65 Notice and a copy of this Policy in English and Spanish, at least five (5) days before
66 discontinuation of service. Should the customer need a copy of this Policy in a language
67 other than English or Spanish, but otherwise required by the District as noted in Section
68 9, contact the customer service staff to request this Policy in the appropriate language.
69 The notice shall include:

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

76 4.5 Late Fee. A Late Fee, as specified in District Ordinance No. 104, shall be
77 assessed and added to the outstanding balance on the customer's account if the
78 amount owing on that account is not paid before the initial written notice of disconnection
79 is generated. This fee is charged to recover a portion of the cost associated with
80 preparation and delivery of the notice.

81 4.6 Disconnection Deadline. Payment for water service charges must be
82 received in the District offices no later than the regular close of business time on the
83 date specified in the notice of disconnection. Postmarks are not acceptable.

84 4.7 Circumstances Under Which Service Will Not Be Discontinued. The District
85 will not discontinue residential water service for nonpayment under the following
86 circumstances:

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

95 4.8 Special Medical and Financial Circumstances Under Which
96 Services Will Not Be Discontinued.

- 97 (a) The District will not discontinue water service if all of the following
98 conditions are met:
- 99 (i) The customer, or a tenant of the customer, submits to the
100 District the certification of a licensed primary care provider that
101 discontinuation of water service will be life threatening to, or
102 pose a serious threat to the health and safety of, a resident of

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103 the premises where residential service is provided (must
104 complete Form 998-A);

105 (ii) The customer demonstrates that he or she is financially
106 unable to pay for residential water service within the District's
107 normal billing cycle per the qualifications in Section 7.2 below
108 (must complete Form 998-B or 998-B2); and

109 (iii) The customer is willing to enter into an alternative payment
110 arrangement as described in Section 6 below, with respect to
111 the delinquent charges. The District's General Manager or
112 designee will select the most appropriate payment
113 arrangement, taking into consideration the information and
114 documentation provided by the customer (must complete
115 Form 998-C).

116 (b) The customer is responsible for demonstrating that the conditions in
117 subsection (a) have been met. Upon receipt of documentation from
118 the customer, which must be provided to the District at least forty-
119 eight (48) hours prior to the disconnection date, the District will
120 review the documentation within seven (7) days and: (1) will not
121 discontinue water service during this review period; (2) will notify the
122 customer of the alternative payment arrangement selected by the
123 District and request that the customer sign the agreement to
124 participate in the alternative arrangement (Form 998-C); (3) may
125 request additional information from the customer; or (4) notify the
126 customer that he or she does not meet the conditions in subsection
127 (a). The District reserves the right to extend the customer's
128 documentation submission period at the District's discretion.

129 (c) The District may discontinue water service if a customer who has
130 been granted an alternative payment arrangement under this section
131 fails to do any of the following for sixty (60) days or more: (a) to pay
132 any amount due under an alternative payment arrangement; or (b)
133 to pay current charges of subsequent bills for water service. The
134 District will post a final notice of intent to disconnect service in a
135 prominent and conspicuous location at the service address at least
136 five (5) business days before discontinuation of service. The final
137 notice will not entitle the customer to any investigation or review by
138 the District.

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139 4.9 Time of Discontinuation of Service. The District will not discontinue water
140 service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during
141 which the District's office is not open to the public.

142 4.10 Restoration of Service. Customers whose water service has been
143 discontinued may contact the District by telephone or in person regarding restoration of
144 service. Restoration shall be subject to payment of: (a) any past-due amounts, including
145 applicable interest or penalties; (b) a reconnection fee of \$50.00 during normal operating
146 hours and \$100.00 during non-operating hours, with an annual adjustment for changes
147 in the Bureau of Labor Statistics' Consumer Price Index for all Urban Consumers
148 (CPI-U) beginning January 1, 2021, subject to the limitations in Section 7.1, if
149 applicable; (c) and a security deposit, if required by the District. Payment must be made
150 in cash or credit card. Check payments will not be accepted.

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

152 5.1 Time to Initiate Complaint or Request an Investigation. A customer may
153 initiate a complaint or request an investigation regarding the amount of a bill no later
154 than five (5) days after receiving the Late Fee/Shutoff Notice.

155 5.2 Review by District. A timely complaint or request for investigation shall be
156 reviewed by a manager of the District, who shall provide a written determination to the
157 customer within ten (10) business days of receipt. The review will include consideration
158 of whether the customer may receive an alternative payment arrangement as described
159 in Section 6 below.

160 5.3 Appeal Hearing. Any customer whose timely complaint or request for an
161 investigation pursuant to this Section 5 has resulted in an adverse determination by the
162 District may appeal the determination. A written notice of appeal must be received by the
163 District within ten (10) business days of the District's mailing of its determination.
164 Following receipt of a request for an appeal or review, a hearing date shall be promptly
165 set before the General Manager, or their designee (the "Hearing Officer") within five (5)
166 business days. After evaluation of the evidence provided by the customer and the
167 information on file with the District concerning the water charges in question, the Hearing
168 Officer shall render a decision as to the accuracy of the water charges set forth on the bill
169 and shall provide the appealing customer with a brief written summary of the decision.

170 5.4 Appeal to Board of Directors. Any customer whose timely appeal hearing
171 pursuant to this Section 5 has resulted in an adverse determination by the Hearing Officer
172 may appeal the determination to the Board of Directors by filing a written notice of appeal
173 with the District Secretary within ten (10) business days of the District's mailing of its
174 determination, or may appeal in-person, orally, during a regularly scheduled board
175 meeting. Upon receiving the notice of appeal, the District Secretary will set the matter to

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176 be heard at an upcoming Board meeting and mail the customer written notice of the time
177 and date of the hearing at least ten (10) days before the meeting. The customer will be
178 required to personally appear before the Board and present written or oral evidence or
179 reasons as to why the water charges on the bill in question are not accurate. The Board
180 shall evaluate the evidence presented by the customer, as well as the information on file
181 with the District concerning the water charges in question and render a decision as to the
182 accuracy of said charges. The decision of the Board shall be final.

183 **6. Alternative Payment Arrangements.**

184 6.1 Time to Request an Alternative Payment Arrangement. If a customer is
185 unable to pay a bill during the normal payment period, the customer may request an
186 extension or other alternative payment arrangement described in this Section 6. If a
187 customer submits a request within thirteen (13) days after mailing of the Late
188 Fee/Shutoff Notice by the District, the request will be reviewed by a manager of the
189 District. District decisions regarding extensions and other alternative payment
190 arrangements are final and are not subject to appeal to the District's Board of Directors.

191 6.2 Alternative Payment Schedule. If approved by the District, a customer may
192 pay the unpaid balance pursuant to an alternative payment schedule that will not exceed
193 twelve (12) months, or as determined by the District's General Manager or designee, in
194 their discretion. During the period of the alternative payment schedule, the customer
195 must remain current on all water service charges accruing during any subsequent billing
196 periods. The alternative payment schedule and amounts due will be set forth in writing
197 and provided to the customer for their required signature indicating agreement and
198 adherence to the schedule.

199 6.3 Failure to Comply. The customer must comply with the agreed upon
200 payment schedule and remain current as charges accrue in each subsequent billing
201 period. The customer may not request another payment schedule for any subsequent
202 unpaid charges while paying delinquent charges pursuant to a previously agreed upon
203 schedule. If the customer fails to comply with the terms of the agreed upon payment
204 schedule for a bill that is delinquent for sixty (60) days or more, the District may
205 discontinue water service to the customer's property. The District will post a final notice
206 of intent to disconnect service in a prominent and conspicuous location at the service
207 address at least five (5) business days before discontinuation of service. The final notice
208 will not entitle the customer to any investigation or review by the District.

209 6.4 Payment Reductions or Waivers. Reductions or waivers of water service
210 charges are not available at this time.

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

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212 7.1 Reconnection Fee Limits and Waiver of Interest. For residential customers
213 who demonstrate to the District a household income below 200 percent of the federal
214 poverty line, the District will:

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

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

225 7.2 Qualifications. The District will deem a residential customer to have a
226 household income below 200 percent of the federal poverty line if: (a) any member of the
227 household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal,
228 Supplemental Security Income/State Supplementary Payment Program, or California
229 Special Supplemental Nutrition Program for Women, Infants, and Children (Form 998-B),
230 or (b) the customer declares under penalty of perjury that the household's annual income
231 is less than 200 percent of the federal poverty level (Form 998-B2).

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

233 8.1 Applicability. This Section 8 shall apply only when the property owner,
234 landlord, manager, or operator of a residential service address is listed as the customer
235 of record and has been issued a notice of intent to discontinue water service due to
236 nonpayment.

237 8.2 Agreement to District Terms and Conditions of Service. The District will
238 make service available to the occupants if each occupant agrees to the terms and
239 conditions of service and meets the requirements of the District's rules and regulations.
240 However, if at least one of the occupants is willing to assume responsibility for all
241 subsequent charges, or if there is a physical means of discontinuing service to those
242 occupants who do not meet the District's rules and requirements, then the District will
243 make service available to the occupants who do meet them.

244 8.3 Verification of Tenancy. To be eligible to become a customer without paying
245 the amount due on the delinquent account, the occupant shall verify that the delinquent
246 account customer of record is or was the landlord, manager, or agent of the dwelling.
247 Verification may include, but is not limited to, a lease or rental agreement, rent receipts,

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248 a government document indicating that the occupant is renting the property, or
249 information disclosed pursuant to Section 1962 of the Civil Code, at the discretion of the
250 District.

251 8.4 Methods of Establishing Credit. If prior service for a period of time is a
252 condition for establishing credit with the District, residence and proof of prompt payment
253 of rent for that period of time is a satisfactory equivalent.

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

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

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

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

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