

## **RUBIDOUX COMMUNITY SERVICES DISTRICT DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT POLICY**

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

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

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

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

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

- (a) the name and address of the customer;
- (b) the amount of the delinquency;
- (c) the date by which payment or payment arrangements must be made to avoid discontinuation of service; and
- (d) a description of the procedure by which the customer may request an alternative payment arrangement as described in Section 6 below.

4.2 Written Notice to Occupants or Tenants.

(a) If the District furnishes individually metered service to a single-family dwelling, multi-unit residential structure, mobile home park, or farm labor camp, and the property owner or manager is the customer of record, or if the customer of record’s mailing address is not the same as the service address, 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. The notice will be addressed to “Occupant,” will contain the information

required in Section 4.1 above, and will also inform the residential occupants that they have the right to become customers of the District without being required to pay the amount due on the delinquent account. Terms and conditions for occupants to become customers of the District are provided in Section 8 below.

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

4.3 In-Person or Telephonic Notice. The District will also make a reasonable, good faith effort to contact the customer of record or an adult person living at the service address in person or by telephone at least seven (7) days before discontinuation of service. The District will offer to provide in writing a copy of this Policy and to discuss options to avert discontinuation of water service for nonpayment, including the possibility of an alternative payment arrangement as described in Section 6 below.

4.4 Posting of Notice at Service Address. If the District is unable to make contact with the customer or an adult person living at the service address in person or by telephone, the District will make a good faith effort to leave a notice of imminent discontinuation of residential service and a copy of this Policy in a conspicuous place at the service address. The notice and copy of this Policy will be left at the residence at least forty-eight (48) hours before discontinuation of service. The notice shall include:

- (a) the name and address of the customer;
- (b) the amount of the delinquency;
- (c) the date by which payment or payment arrangements must be made to avoid discontinuation of service;
- (d) a description of the procedure by which the customer may request an alternative payment arrangement, which may include an extension, or alternative payment schedule as described in Section 6 below.

4.5 Late Fee. A Late Fee, as specified in District Ordinance No. 104, shall be assessed and added to the outstanding balance on the customer's account if the amount owing on that account is not paid before the initial written notice of disconnection

is generated. This fee is charged to recover a portion of the cost associated with preparation and delivery of the notice.

4.6 Disconnection Deadline. Payment for water service charges must be received in the District offices no later than 5:00 p.m. on the date specified in the notice of disconnection. Postmarks are not acceptable.

4.7 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 below;
- (b) During the pendency of an appeal to the District's Board of Directors under Section 5.3 below; or
- (c) During the period of time in which a customer's payment is subject to a District-approved alternative payment arrangement under Section 6 below, and the customer remains in compliance with the approved payment arrangement.

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

- (a) The District will not discontinue water service if all of the following conditions are met:
  - (i) 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;
  - (ii) The customer demonstrates that he or she is financially unable to pay for residential water service within the District's normal billing cycle per the qualifications in Section 7.2 below; and
  - (iii) The customer is willing to enter into an alternative payment arrangement as described in Section 6 below, with respect to the delinquent charges. The District's General Manager or designee will select the most appropriate payment arrangement, taking into consideration the information and documentation provided by the customer.

- (b) The customer is responsible for demonstrating that the conditions in subsection (a) have been met. Upon receipt of documentation from the customer, which must be provided to the District at least forty-eight (48) hours prior to the disconnection date, the District will review the documentation within seven (7) days and: (1) will not discontinue water service during this review period; (2) will notify the customer of the alternative payment arrangement selected by the District and request that the customer sign the agreement to participate in the alternative arrangement; (3) may request additional information from the customer; or (4) notify the customer that he or she does not meet the conditions in subsection (a). 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 do any of the following for sixty (60) days or more: (a) to pay any amount due under an alternative payment arrangement; or (b) to pay current charges of subsequent bills for water 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 service. The final notice will not entitle the customer to any investigation or review by the District.

4.9 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's office is not open to the public.

4.10 Restoration of Service. Customers whose water service has been discontinued may contact the District by telephone or in person regarding restoration of service. Restoration shall be subject to payment of: (a) any past-due amounts, including applicable interest or penalties; (b) a reconnection fee of \$50.00 during normal operating hours and \$100.00 during non-operating hours, with an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for all Urban Consumers (CPI-U) beginning January 1, 2021, subject to the limitations in Section 7.1, if applicable; (c) and a security deposit, if required by the District. Payment must be made in cash or credit card. Check payments will not be 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 5.1 only, a bill shall be deemed received by a customer five (5) days after mailing and immediately upon e-mailing.

5.2 Review by District. A timely complaint or request for investigation shall be reviewed by a manager of the District, who shall provide a written determination to the customer. The review will include consideration of whether the customer may receive an alternative payment arrangement as described in Section 6 below.

5.3 Appeal Hearing. Any customer whose timely complaint or request for an investigation pursuant to this Section 5 has resulted in an adverse determination by the District may appeal the determination. A written notice of 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 his or her designee (the "Hearing Officer"). After evaluation of the evidence provided by the customer and the information on file with the District concerning the water charges in question, the Hearing Officer shall render a decision as to the accuracy of the water 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 this Section 5 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 District Secretary within ten (10) business days of the District's mailing of its determination, or may appeal in-person, orally, during a regularly scheduled board meeting. Upon receiving the notice of appeal, the District Secretary will set the matter to be heard at an upcoming Board meeting and mail the customer written notice of the time and date of the hearing at least ten (10) days before the meeting. The customer will be required to personally appear before the Board and present written or oral evidence or reasons as to why the water charges on the bill in question are not accurate. The Board shall evaluate the evidence presented by the customer, as well as the information on file with the District concerning the water charges in question 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 6. If a customer submits a request within thirteen (13) days after mailing of a written notice of discontinuation of service by the District, the request will be reviewed by a manager of the District. District decisions regarding extensions and other alternative payment arrangements are final and are 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 or designee, in his or her discretion. During the period of the alternative payment schedule, the customer must remain current on all water service charges accruing during any 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 sixty (60) days or more, the District may discontinue water service to the customer's property. 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 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 are not available at this time.

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

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

- (a) Limit any reconnection fees during normal operating hours to fifty dollars (\$50), and during non-operational hours to one hundred dollars (\$100). The limits will only apply if the District's reconnection fees actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021.
- (b) Waive interest charges on delinquent bills once every 12 months. The District will apply the waiver to any interest charges that are 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.**

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

8.2 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 do meet them.

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

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

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

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 water service charges, 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 attorneys' 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, rules, or regulations other than nonpayment.

12. **Decisions by District Staff**. Any decision which may be taken by the District's General Manager under this Policy may be taken by his or her designee.

13. **Annual Disconnections Notice**. Annually, the District shall post on its website, [www.rcsd.org](http://www.rcsd.org), and notify the Board, the total number of discontinuations of residential water service due to the inability to pay.