



## **DISCONTINUATION OF RESIDENTIAL WATER SERVICE**

### **2.3.2. DISCONTINUANCE OF SERVICE BY THE DISTRICT**

For all residential customers, the District shall make a reasonable attempt to provide at least 48 hours notice by telephone or in person. For these customers, if telephone or personal contact cannot be made, a notice of discontinuance of service shall be posted in a conspicuous location at the service address at least 48 hours prior to discontinuance.

Where service is provided to commercial users, the District shall make every good faith effort to inform the users, by telephone, in person or by means of a notice when the account is in arrears that service will be discontinued in 48 hours. The 48-hour discontinuance notice shall be posted in a conspicuous place of the commercial unit.

Except where special payment arrangements have been made, a 48-hour discontinuance of service notice will be given before discontinuance of service takes place.

A customer's residential or non-residential service may be discontinued for non-payment of a bill for residential service previously rendered him at any location served by the District. Residential service will not be discontinued for non-payment of bills for separate non-residential service.

Where residential service is provided to accounts with third-party tenants (single-family, multi-family residential rental units, motels, etc.), District personnel shall make a reasonable attempt to identify such third-party accounts from information available to District in its records, and, if so reasonably identified, shall not discontinue service for non-payment of account. Accounts discontinued in error shall be restored upon proof of tenancy and landlord responsibility to pay.

If service has been discontinued and customer cuts the padlock on the meter or otherwise tampers with District facilities, the customer will pay the actual cost of repairs but no less than the minimum fee established by the Board of Directors (see Ordinance 4.1 for current minimum fee).

#### **2.3.2.1. FOR NON-PAYMENT OF BILLS**

In accordance with California Government Code §§ 60373 et seq. and Health and Safety Code §§ 116900 et seq.:

**Past-due Bills.** When bills are rendered monthly, they will be considered past due if not paid within 19 days from the date of billing. The District may not discontinue service for non-payment of a delinquent account unless the District first gives:

- A second bill with a balance forward amount from the first bill;
- A reminder notice mailed on or after 45 days from date of the first billing;
- A good-faith effort to contact by phone or in person an adult member of the residence to explain the 48-hour notice provisions, and/or, a 48-hour discontinuance notice delivered to the customer or service address on or after 58 days from the date of the first billing; and
- At least 60 full days from the date of the first billing to make payment.

To restore service, the customer must pay a reconnect charge in accordance with Ordinance 2.3.3.1, any over-due balance, and may be required to re-establish credit in accordance with Ordinance 2.2.2.2.

Service will not be discontinued for non-payment on any Saturday, Sunday, legal holiday, or at any time during which business offices of the District are not open to the public.

#### **2.3.2.2. FOR NON-COMPLIANCE WITH RULES**

The District may discontinue service to any customer for violation of these rules after it has given the customer at least 5 days written notice of such intention. Where safety of the system operators is endangered, service may be discontinued immediately without notice.

#### **2.3.2.3. FOR WASTE OF WATER**

Where negligent or wasteful use of water exists on a customer's premises, the District may discontinue the service if such practices are not remedied within 48 hours after it has given the customer written notice to such effect.

In order to protect itself against serious and unnecessary waste or misuse of the wastewater collection system, the District may meter any wastewater flow and apply the regularly established commercial rates from the Ordinance governing wastewater rates where the customer continues the misuse of wastewater beyond 48 hours after the District has given the customer written notice to remedy such practices.

#### **2.3.2.4. FOR UNSAFE APPARATUS OR WHERE SERVICE IS DETRIMENTAL OR DAMAGING TO THE DISTRICT OR ITS CUSTOMERS**

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the District or its customers, the service may be shut off without notice. The District will notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before the service can be restored.

#### **2.3.2.5. FOR FRAUDULENT USE OF SERVICE**

When the District has discovered that a customer has obtained service by fraudulent means, or has diverted the service for unauthorized use, the service to that customer may be discontinued without notice. The District will not restore service to such customer until that customer has complied with all rules and reasonable requirements of the District. The District will be reimbursed for the full amount of the service rendered and the actual cost to the District incurred by reason of the fraudulent use.

#### **2.3.2.6. AVOIDANCE OF DISCONTINUANCE OF SERVICE**

Any customer, residential as well as non-residential, who has:

- initiated a billing complaint;
- requested an investigation within 5 days of receiving a disputed bill;
- before discontinuance of service, made a request for extension of the payment period;

shall not have service discontinued for non-payment during the pendency of any investigation by the District.

#### **2.3.2.6.1. BILLING COMPLAINTS, INVESTIGATIONS, AND INSTALLMENT PLANS**

Upon request, the customer shall be given an opportunity for a review of their account by the General Manager or Administrative Services Manager. The review shall include consideration of whether, in accordance with Government Code § 60372(c), a customer shall be permitted to make installment payments on any unpaid balance of the delinquent account over a reasonable period of time, not to exceed 12 months. Should the investigation conclude that the 12-month payment plan would cause undue hardship, the General Manager or Administrative Services Manager may grant a longer repayment period, in accordance with Health and Safety Code § 116910(b)(2).

Such service shall not be discontinued for non-payment for any customer complying with an installment payment agreement entered into with the District, provided the customer also keeps current his account for service as charges accrue in each subsequent billing period. If a customer fails to comply with an installment payment agreement for 60 days or more, the District will discontinue service after a discontinuance notice has been posted at the residence five business days prior.

Any customer whose complaint or request for an investigation has resulted in an adverse determination by the General Manager may appeal the determination in writing to the Board. Any subsequent appeal of the dispute or complaint to the Board shall be in accordance with any rules adopted by the Board pertaining to appeals.

#### **2.3.2.6.2. PAYMENT EXTENSIONS**

If upon receipt of a bill, a reminder notice, or a 48-hour discontinuance notice, a residential customer is unable to pay by the due date specified, he must contact the District office before the final due date to make payment arrangements to avoid discontinuance of service. If, after making payment arrangements, the customer determines that they are unable to pay by the chosen due date, the customer may call and change the date once. No further extensions will be granted.

Customers who have amortized their past due bill under Government Code § 60372(c) shall not be allowed any additional payment extensions.

If, after contacting the District office, the customer alleges an inability to pay, and he is unable to make payment arrangements with the General Manager, he may write to the District Board of Directors to make an informal appeal of the General Manager's decision. This written appeal must be made before the final due date in order to avoid discontinuance.

Failure of the residential, as well as non-residential, customer to observe the time limits as outlined above shall result in discontinuance of service without further notice.