

City of Tehachapi

Discontinuation of Residential Water Service Policy

Effective April 1, 2020

Prior to discontinuing the water service of any residential customer on account of nonpayment of a duly owed water service rate, charge, or fee, the City will comply with the procedures and requirements of this Policy. This Policy applies to unified water, sewer and refuse service bill (“water bill”) as one and only applicable to residential customer accounts based on nonpayment. This Policy does not preclude the City from discontinuing service for other unauthorized customer actions.

1. Contact Information. A residential customer may call (661) 822-2200 during normal business hours (Monday through Thursday from 7:00 am to 5:30 pm) to discuss options to avert a service discontinuation
2. Account Delinquency. A water bill is due and payable upon receipt by the customer. A water bill not paid in full by the date specified on the invoice is delinquent and subject to an applicable penalty. 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, or the customer declares that his or her household’s annual income is less than 200 percent of the federal poverty level, then the City will waive interest charges on delinquent bills once every 12 months.
3. Delinquency Period Causing Discontinuation. Residential water service may be discontinued for nonpayment if a required customer payment has been delinquent for at least sixty (60) days.

Water service will not be discontinued on any Friday, Saturday, Sunday, legal holiday, or at any time outside the City’s normal business hours.

4. Procedure for Discontinuing Service.
 - a. At least seven (7) business days before discontinuing the customer’s service, a representative of the City will contact the customer by in writing, telephone, or both to warn of the impending service discontinuation, make available and explain the terms of this Policy, discuss options to avoid the service discontinuation, and provide other information required by law.
 - i. If the notice is provided in writing, the notice will specifically contain the following: (1) the customer’s name and address; (2) the delinquent amount; (3) the date by which payment or arrangement for payment is required in order to avoid service discontinuation; (4) a description of the process to apply for an extension of time to pay the delinquent service rate, charge, or fee; (5) a description of the procedure to petition for bill review and appeal; and (6) a description of the procedure by which the customer may request a deferred, reduced, or alternative payment

- c. All other customers, late payment penalty may be waived only once for the life of an active account.
 - d. If the customer breaches the agreed upon payment plan or does not pay his or her current residential water bill for sixty (60) days or more, then service may be discontinued no sooner than five (5) business days after the City posts a final notice of intent to discontinue service in a prominent and conspicuous location at the customer's property.
7. Alternate Payment Schedules. Any customer who is unable to pay a water bill by the specified due date may request an alternative payment arrangement, which will be determined on a case-by-case basis. Any such alternative payment arrangement will ordinarily result in repayment of the delinquent amount within twelve (12) months. No alternative payment schedule will extend beyond twelve (12) months. There will be no more than one alternate payment schedule outstanding at any time.

If the customer breaches the agreed upon plan or does not pay his or her current residential services charges for sixty (60) days or more, then service may be discontinued no sooner than five (5) business days after the City posts a final notice of intent to discontinue service in a prominent and conspicuous location at the customer's property.

8. Prohibitions on Discontinuation. Water service will not be discontinued for nonpayment under any of the following situations:
- a. During any appeal of the City's decision to discontinue service.
 - b. During the pendency of an investigation by the City of a customer dispute or complaint.
 - c. During any period where the customer is in compliance with a duly authorized alternative payment schedule or a plan for deferred or reduced payment in accordance with Section 6 or 7 of this Policy.
 - d. In situations where the customer satisfies all of the following three conditions (the "Need-Based Exemption"):
 - i. The customer, or the customer's tenant, submits a certification from a medical 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 serviced by the delinquent account;
 - ii. The customer demonstrates that he or she is financially unable to pay for residential water service within the normal billing cycle. Facts demonstrating that the customer is financially unable to pay for residential service during the normal billing cycle include the following: a 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, or the customer declares that his or her household's annual income is less than 200 percent of the federal poverty level. If one or more of these circumstances is demonstrated, then the customer is considered a "Low-Income Customer"; and

- iii. The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment for all delinquent charges in accordance with this Policy.

9. Special Considerations for Low-Income Customers. For a Low-Income Customer that qualifies for the Need-Based Exemption, the City will offer one or more of the following options for repayment of the delinquent rate, charge, or fee: (1) amortize the unpaid balance; (2) participate in an alternative payment schedule; (3) partially reduce the unpaid balance; or (4) temporarily defer payment. The terms of the payment option will be in accordance with Sections 6 and 7 of this Policy and are expected to result in repayment within twelve (12) months, unless additional time is required to avoid undue hardship. If the customer breaches the agreed upon plan or does not pay his or her current residential services charges for sixty (60) days or more, then service may be discontinued no sooner than five (5) business days after the City posts a final notice of intent to discontinue service in a prominent and conspicuous location at the customer's property.
10. Landlord-Tenant Relationships (Individually Metered Units). The provisions of this Section apply where individually metered service is provided to each dwelling unit for residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in California Health & Safety Code Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record.
 - a. At least seven (7) business days prior to discontinuing service, the City will make a good faith effort to inform the residential occupants in writing that the dwelling unit's account is delinquent and that service will be terminated.
 - b. The written notice will inform the occupants that they may become a customer of record and accept bills for the unit's water service. The occupants will not be held responsible for delinquent amounts owed by the existing customer of record.
 - c. Notwithstanding the foregoing, if the dwelling unit is a detached single-family dwelling unit, then the City will (1) give the occupant a notice of service discontinuation at least seven (7) business days prior to the proposed discontinuation; and (2) require the occupant to verify that the delinquent account customer was the landlord, manager, or agent of the dwelling unit. Verification may include a lease or rental agreement, rent receipts, or other government document.
11. Landlord-Tenant Relationships (Master Metered Units). The provisions of this Section apply where water is provided through a master meter to residential occupants in a

multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in California Health & Safety Code Section 17008, and the owner, manager, or operator of the structure or park is the customer of record.

- a. At least fifteen (15) days prior to discontinuing service, the City will make a good faith effort to inform the residential occupants by written notice that their dwelling units' account is delinquent and that service will be terminated on the date specified in the notice.
- b. The notice will be posted on the door of each dwelling unit at the structure or park. If it is not reasonable or practicable to post the notice on the door of each dwelling unit, the City will post two copies of the notice in each accessible common area and at each point of access to the structure or park.
- c. The notice will inform the residential occupants that they have the right to become City water customers, to whom service will then be billed, without being held responsible for delinquent amounts owed by the existing customer of record. The notice will also specify, in plain language the following: (1) what the residential occupants are required to do in order to prevent the termination of, or to reestablish, service; (2) the estimated monthly cost of service; (3) the title, address, and telephone number of a representative of the City who can assist the residential occupants in continuing service; and (4) the address and telephone number of a qualified legal services project recommended by the local county bar association.
- d. The City may decline to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to and meets the requirements of the City's terms and conditions of service and other provisions of law. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the City's satisfaction, or if there is a physical and legal means of selectively terminating service to those residential occupants who have not met the City's requirements or for whom the representative of the residential occupants is not responsible, the City will make service available to the residential occupants who have met those requirements or on whose behalf those requirements have been met.
- e. When required, residence and proof of prompt payment of rent or other credit obligation is an acceptable means of establishing credit with the City.
- f. In addition to the limitations set forth in Section 8, water service will not be discontinued for nonpayment under the following situations: (1) for an indebtedness owned by the existing customer of record to another public agency; (2) if the delinquent account relates to another property owned, managed, or operated by the existing customer of record; or (3) if a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

12. Third-Party Notification. The City maintains a third-party notification service for customers who are 65 years of age or older, or who are dependent adults as defined in Section 15610 of the Welfare and Institutions Code. The City will attempt to notify a person designated by the customer when the customer's account is past due and subject to termination. The notification will include information on what is required to prevent termination of service.
13. Restoring Service. The City will promptly provide information regarding the procedures for restoring service to customers once their service is discontinued, including the payment of applicable reconnection service fees. For Low-Income Customers, the reconnection service fee will not exceed the City's actual cost to reconnect water service, up to a maximum of \$50 for reconnection during normal business hours and \$150 during nonoperational hours. The fee may be annually adjusted for changes in the Consumer Price Index beginning January 1, 2021.
14. Restoring Service for Illegally Disconnected Service. Refer to Section 3 of "Delinquent Utility Bill Collection & Water Reconnection Policy".
15. Miscellaneous Policy Provisions
 - a. Languages: This policy, and all written notices required under this policy, will be available in English, the languages listed in section 1632 of the California Civil Code, and any other language spoken by at least 10 percent of the people residing in the City of Tehachapi.
 - b. Posting of Policy: The City will post this policy on the City's website, in the event the website does not exist, the City will provide the policy to customers in writing, upon request.