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**POLICY TITLE: Account Billing, Payments, Fees and Shutoff's**  
**POLICY NUMBER: 2100**

2100 Policy Purpose and Application

This policy has been established to comply with Senate Bill 998, known as the "Water Shutoff Protection Act" and approved by the Governor on September 28, 2018 (California Health and Safety Code Sections 116900, et seq.). This policy shall be made available on the Esparto Community Services District's website. The District's offices can be contacted at (530) 787-4502 to discuss options for averting termination of water service for nonpayment under the terms of this policy. In the event of any conflict between this policy and any other ordinance, rule, regulation or policy of the District, this policy shall prevail. In the event of any conflict between this policy and state law, state law shall prevail.

2100.1 It is the policy of the District that accounts receivable be reviewed monthly, as it is critical to the cash flow of the District.

2100.2 Establishing or Transferring Service

- a) Accounts shall be established in name of the owner or the user of services renting the property. The property owner is ultimately responsible for any and all amounts owed the District. The property owner must authorize non-owner tenants or user of services to establish an account at the owner's property address.
- b) At time of application for service, the District will require a form of verifiable identification from the applicant. Failure to provide such identification will result in not providing service to the applicant.
- c) There shall be an Account Initiation Fee charged for each new account. This fee will be charged on the first month's bill.
- d) A person or firm taking possession of premises and using water without having made application to the District for service, shall be liable for the charges from the date of the last recorded meter reading. If proper application is not made within 7 (seven) business day of notification by the District to do so, and if accumulated bills for service are not paid on presentation, service will be discontinued without further notice.
- e) All balances associated with the service address must be paid in full before a new account may be established at the same address.

2100.3 Billing, Payables, Delinquencies and Fees

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- a) Accounts shall be billed monthly. Billing for Accounts will be mailed to the service address, or the requested mailing address of the customer on record at the District Office, no later than the 5<sup>th</sup> of each month.
- b) Based on services provided, each billing statement shall include separate monthly service fees for water, sewer and/or street lights. For all customers with water service, each billing statement will include an amount for water usage as determined by meter readings from the prior month.
- c) Payments are due on the last day of the month. Accounts not paid and received by the last day of the month will be considered delinquent and in arrears on the first day of the next billing month and will be charged a penalty of 10% and the charges for the second month will indicate such.
- d) Accounts not paid and received by the last day of the second month are considered thirty (30) days delinquent and in arrears on the first of the third month and shall be charged an additional 1% for the first month delinquent and an additional 10% for the second month becoming delinquent added to the account on this billing.
- e) Accounts not paid shall continue to be charged an additional 1% for each month delinquent 30 days or more and an additional penalty of 10% for each subsequent month becoming delinquent.
- f) The penalty and interest charges for each month, for accounts considered delinquent and in arrears, will be included on the following month's bill. This billing will show the amount delinquent on the account.

Billing and Delinquency Example

Month	Bill Date	Bill Due Date	Status and Actions
1	July 1	July 31	
2	August 1	August 31	July bill is delinquent on August 1. 10% penalty on July charges will be on August bill statement.
3	September 1	September 30	July bill is 30 days delinquent on September 1. 10% penalty on August charges plus 1% interest on remaining balance from July will be on September bill statement.
4	October 1	October 31	July bill is 60 days delinquent on October 1. 10% penalty on September charges plus 1% interest on August and September remaining balances.

2100.4 Discontinuation of Services for Non-Payment

- a) Delinquent accounts are subject to discontinuation of services when a customer has been delinquent for at least 60 days and the delinquent amount is greater than \$25.00. No less than seven (7) business days before discontinuation of water service for nonpayment, the District shall contact the customer named on the account by telephone or written notice or both.
- b) The written notice of payment delinquency and impending discontinuation shall be mailed to the customer at their address of record. If the customers address is not the address of the property to

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which water service is provided, the notice shall also be sent to the address of the property to which service is provided, addressed to "Occupant." The notice shall include, but is not limited to, all of the following information in a clear and legible format:

- i) The customer's name and address.
  - ii) The amount of the delinquency.
  - iii) The date by which payment, or arrangement for payment, is required in order to avoid discontinuation of water service, which shall be at least sixty (60) days from the date that the bill became delinquent
  - iv) the statement that the service will be discontinued on the expiration of no less than seven (7) business days from the date Shut Off Notices are printed.
  - v) A description of the process to request an extension of time to pay the delinquent charges, petition for bill review and appeal, and request an alternative payment schedule.
  - vi) The District's phone number and web link to the District's written policy regarding discontinuance of water service.
- c) If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the District shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place, a notice of imminent discontinuation of water service for nonpayment and the District's policy for discontinuation of water service for nonpayment.
- d) On the expiration of said seven (7) business days if such delinquency has not been fully paid, an alternative payment agreement has not been approved, or a petition for bill review and appeal has not been received by the District, the District shall disconnect water service without further notice.
- e) Water service will not be disconnected for non-payment after 3:00 pm on normal business days, Fridays, Saturday, Sundays, legal holidays or anytime during which the business offices of the District are not open to the public.
- f) The District shall not terminate service for non-payment in any of the following situations:
- i) During the pendency of an investigation by the District of a customer dispute or complaint.
  - ii) When a customer has been granted an extension of the period for payment of a bill.
  - iii) When a customer has entered into an amortization agreement or alternative payment arrangement with the District and is current on all payments, per the agreement.
  - iv) Pursuant to SB998, when all of the following conditions are met:
    - (1) The customer, or a tenant of the customer, certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, 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 water service is provided.

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- (2) The customer demonstrates that he or she is financially unable to pay for water service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for water service within the District's normal billing cycle 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 the household's annual income is less than two hundred (200) percent of the federal poverty level.
- (3) The customer is willing to enter into an amortization agreement, alternative payment schedule or a plan for deferred payment with respect to all delinquent charges.
- v) If the conditions listed above are all met, the District shall offer the customer one or more of the following options:
  - (1) Amortization of the unpaid balance
  - (2) Participation in an alternative payment schedule.
  - (3) Temporary deferral of payment.

#### 2100.5 Alternative Payment Arrangements

- a) Customers may request a special payment arrangement when an extreme hardship exists by contacting the District via telephone or in writing no later than 5:00 PM on the bill due date.
- b) The General Manager may approve a special payment arrangement including splitting payments for up to twelve (12) months to pay off the full balance or deferring payment of the full balance for up to two (2) weeks.
- c) Water service may be discontinued no sooner than seven (7) business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:
  - i) The customer fails to comply with an amortization agreement, an alternative payment schedule or a deferral for delinquent charges for sixty (60) days or more.
  - ii) While undertaking an amortization agreement, an alternative payment schedule or a deferral for delinquent charges, the customer does not pay his or her current water service charges for sixty (60) days or more.

#### 2100.6 Restoration of Water Service

- a) In order to resume service that has been disconnected for non-payment, the customer must pay all past due amounts which are delinquent 60 days or more, including penalties and interest, and pay a reconnection fee.

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- b) For a residential customer who demonstrates to the District that the household income is below two hundred (200) percent of the federal poverty line, the District shall do the following:
  - i) Set a reconnection of service fee, for reconnection during normal operating hours, in an amount that does not exceed fifty dollars (\$50) during normal business hours or one hundred fifty dollars (\$150) outside of normal business hours.
  - ii) Waive interest charges on delinquent bills once every twelve (12) months.
  - iii) The District shall deem a residential customer to have a household income below two hundred (200) percent of the federal poverty line if 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 the customer declares that the household’s annual income is less than two hundred (200) percent of the federal poverty level.
- c) When services have been disconnected for non-payment, and 60 days from the disconnection date have passed to allow for payment, the account may be closed and no further billing will be processed. The District may send the billing to a collection service or through tax roll for collection after the account has been closed.

### 2100.7 Services Involving Landlord-Tenant Relationships

- A. If the District furnishes individually metered water service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the District shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least ten (10) days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.
- B. The District shall not make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the District's ordinances, resolutions, rules and regulations. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges on the account to the satisfaction of the District, including requirements which may include, but not be limited to, completion of a District application for service so that the General Manager, or designee, can evaluate whether the District is satisfied that the residential applicants can meet the terms and conditions of service, or if there is a physical means legally available for the District to selectively terminate service to those residential occupants who have not met the requirements of the District, the District shall make service available to those residential occupants who the District is satisfied can meet the terms and conditions of service.

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### 2100.8 Bill Review, Appeals and Account Adjustments

- a) If the customer seeks review or appeal of their bill, the customer shall contact the District before 5:00 PM on the payment due date and the District will investigate. If the investigation does not result in a resolution acceptable to the customer, the customer may seek review from the General Manager and subsequently may appeal to the Board. The District will provide written notice of the time and place of the appeal at least seven (7) days before the Board meeting. The decision of the Board is final. The District shall not discontinue water service while the appeal is pending.
- b) Account adjustments are limited to the discretion of the General Manager and the Board of Directors. An adjustment request must be completed and approved by General Manager and be made available to the Board of Directors and the District auditor upon request. Account adjustments may include the following:
  - a. Credit adjustments for:
    - i. Reversal of penalties and interest
    - ii. Billing corrections
    - iii. Water leaks
    - iv. Other miscellaneous credits or charges
  - b. Debit adjustments for:
    - i. Billing corrections
    - ii. Returned checks
    - iii. Activation fee
    - iv. Disconnection and Reconnection fee
    - v. Other miscellaneous debits

### 2100.9 Fees

- a) Additional fees may be charged for:
  - a. Account Activation
  - b. Disconnection for Non-Payment
  - c. Reconnection of Service due to Non-Payment Disconnection
  - d. Returned Checks
  - e. Intentional Damage to Meters, Meter Locks or other District Property
- b) Fees are reviewed and approved by the District Board of Directors.

### 2100.10 Other Actions to Secure Collection of Delinquent Charges

- a) Pursuant to Government Code Section 61115(b) the District may collect any delinquent charges and penalties on the tax roll in the same manner as property taxes.
- b) Pursuant to Government Code Section 61115, the Board of Directors authorizes the General Manager or designee to execute a certificate declaring the amount of the delinquent charges and penalties due and the name and last known address of the person liable for the delinquent charges and penalties, and to record said certificate in the office of the Yolo County Recorder in accordance

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with procedures established by the General Manager. Said procedures shall include a provision that recording the certificate can only occur after notifying the customer of the District's intent to do so.

- c) The District may pursue collection of delinquent charges through third party collection agencies.

#### 2100.11 Voluntary Disconnection of Service

- a) Customers need to request to disconnect services and provide a reliable forwarding address for the closing bill. Upon receipt of request to disconnect, a final meter read will be completed on the latter of the requested effective date or within one (1) business day of receipt of notice.
- b) A final closing bill, including charges for usage through the date of the final meter read, will be sent to the forwarding address. Customers are responsible for all charges through the date of the final meter read, and required to pay any remaining balance in full.
- c) When a service address becomes vacant, the regular minimum rate shall be charged and collected from the owner or renter thereof, whether services are used or not, unless the District is notified of the fact that the property is unoccupied and requests service to be discontinued. Once the District is authorized to discontinue service, the account will be placed in an inactive status.
- c) If a new account has not been established at the service address after the District receives a request to disconnect services, the District shall make a good faith effort to visit the service address and leave, or make other arrangements for placement in a conspicuous place, a notice of imminent discontinuation of water service until a new account has been established. On the expiration of seven (7) business days if a new account has not been established, the District shall disconnect water service without further notice.
- d) All balances associated with the service address must be paid in full before a new account may be established at the same address.

#### 2100.12 Reporting Requirements

The District shall annually report the number of discontinuations of water service for inability to pay on the District's website and to the State Water Resources Control Board.

#### 2100.13 Limitations of this Policy

- a) Nothing in this policy restricts, limits or otherwise impairs the District's ability to terminate service to a customer for reasons other than those explicitly stated in this policy, including but not limited to, unauthorized actions of the customer.

#### 2100.14 Other Related Policies for Reference

- a) Accounting Policies and Procedures Section 3.10 Accounts Receivable

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