

ADMINISTRATIVE POLICY

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Program: No
Policy: Yes
Procedure: No

WATER DISCONTINUATION POLICY

A. Purpose

To provide guidelines and safeguards to residential water users from the discontinuation of water service for nonpayment. This policy enumerates the City of Davis administrative actions for the collection of delinquent accounts, including notifications, charges, discontinuation of service, and restoration of service.

B. Background

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

C. Definitions

For the purpose of the policy, the following definitions apply:

- a) The term “Landlord” applies to the owner of the parcel, which is rented or leased to an individual.
- b) A “Tenant” is an individual that rents or leases a house or condominium from a landlord.
- c) “Agent” is an individual or business who manages the finances for the owner of a parcel.
- d) An “Occupant” is an individual who resides at the property.
- e) “Water Discontinuation” means the water meter will be turned off, however all other services will remain active, monthly charges will be applied after the date of discontinuation and a lien will be filed with Yolo County Assessor’s Office if charges remain delinquent for sixty (60) days.

D. Notifications

1. First Written Disconnection Notice

Pursuant to the Water Shutoff Protection Act, the City shall not discontinue water service for nonpayment until payment by the customer has been delinquent for at least sixty (60) days. The City

will make a good faith effort to contact the customer in writing at least 10 business days before discontinuation of water service for non-payment. If the mailing address is different from the property address, to which water service is provided, another notice is mailed to the property to which water is provided, addressed as “Occupant”. Written notice shall include, but is not limited to:

- The customer’s name and address.
- The amount of the delinquency.
- The date by which payment or arrangement for payment is required to avoid discontinuation of water.
- A description of the process to apply for an extension of time to pay the delinquent charges.
- A description of the procedure to petition for bill review and appeal.
- A description of the procedure by which the customer may request a deferred, reduce, or alternative payment schedule, including an amortization of the delinquent water charges.
- Inform occupants that they have the right to become customers to prevent shut off or restore service, without being required to pay any amount prior their lease agreement. Occupants are entitle to sign the Occupant City Services Contract for the time of an active lease contract with their landlord. The City will create an account including the owner’s name of the parcel and in care of the tenants name for the period of the lease contract to prevent discontinuation. If the new account in care of the tenant has been delinquent for sixty (60) days and no other occupant residing at the property resumes responsibility, the tenant account will be closed and will be referred to a Collection Agency for processing. If the Occupant City Services Contract fails, the account will revert to the owner’s responsibility.

If the written notice is returned as “undeliverable” the City must make a good faith effort to make arrangements for placement of the notice in a conspicuous place.

2. Forty-Eight (48) Hour Disconnection Notice

The City will make a good faith effort to notify the customer forty-eight (48) hours in advance of disconnection of water service for non-payment by placing the notice in a conspicuous place.

3. Letter of Disconnection

The City will disconnect water service by turning off and locking off the meter. Before service is disconnected, the customer will be notified by a written notice and a forty-eight (48) hour notice left in a prominent and conspicuous location. The customer will be charged a reconnection fee in the billing system upon water service being turned off. The City will make arrangements for a letter of disconnection be placed in a prominent and conspicuous location. The letter shall also provide with information on how to restore water service.

E. Disputed Bills

Customers, agent of the customer, or tenant of the customer may contest or appeal a bill in accordance with Davis Municipal Code section 39.02.100. To contest a bill, the customer must follow the prescribed procedure:

1. The customer, agent of the customer, or tenant of the customer requests a review of the bill by the Finance Department either verbally or in writing within 10 business days of receiving the written notice of discontinuation.
 - a) Contact the Finance Department at 530-757-5651 or in writing, either emailing financeweb@cityofdavis.org or sending a letter in addressed to City of Davis – Finance Department. 23 Russell Blvd, Suite 3 Davis, CA 95616.
 - i) The City shall not discontinue their water while the appeal is pending.

F. Waiving Late Fees

The City may waive late charges on delinquent bills once every twelve (12) months if the customer, agent of the customer, or tenant of the customer declare the following:

- a) The customer, tenant of the customer, or 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.
- b) The customer, agent of the customer, or tenant of the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

G. Payment Agreement Arrangements

Any customer who is unable to pay for water service may request a payment agreement to avoid late fees or disruption of service if any of the following conditions are met:

- a) The customer, agent of the customer, or tenant of the customer, submits to the City the 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.
- b) The customer, tenant of the customer, or 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.
- c) The customer, agent of the customer, or tenant of the customer declares and proves that the household's annual income is less than 200 percent of the federal poverty level by submitting the Low Income Validation Form, which requires proof of their federal income tax return for all household members.
- d) The customer, agent of the customer, or tenant of the customer demonstrates by providing written documentation that they are financially unable to pay.

Payment agreements should result in repayment of any remaining outstanding balance within twelve months (12). The City may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

Water service may be discontinued no sooner than five (5) business days after the City makes arrangements for placement of a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following conditions:

- a) If the customer fails to comply with the payment agreement
- b) While undertaking the payment agreement, the customer does not pay their current service charges for sixty (60) days or more.

H. Disconnection Deadline

All delinquent water service charges and associated fees must be received by the Finance Department by 5:00pm on the day specified in the written forty-eight hours disconnection notice.

I. Reconnection of Service

In order to resume or continue service that has been disconnected for non-payment, the customer must pay a reconnection fee of \$50.00. The customer, agent of the customer, or tenant of the customer, must notify the City, by phone at 530-757-5651 or emailing to financeweb@cityofdavis.org, to turn the water back on after making the payment of the delinquent account plus the reconnection fee. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

J. Returned Checks for Preventing Disconnected Service

Upon receipt of a returned check taken as payment of water service in order to prevent disconnection, the City will consider the account not paid. The City will make a reasonable good faith effort to provide a forty-eight (48) hour notice of termination of service due to a returned check. The City will make arrangements for placement of the notice in a conspicuous place. Water service will be disconnected if the amount of the returned check and the returned check charge are not paid on or before the date specified in the notice of termination. All amounts paid to redeem a returned check and to pay the returned check charge must be in cash, credit card, debit card, money order.

K. Reporting Annual Discontinuations

The City shall report the number of annual discontinuations of residential service for inability to pay on the City's Internet Web site and to the State Water Resources Control Board. The State Water Resources Control Board shall post on its Internet Web site the information reported.

L. Responsibility

1. Finance Director – Responsible for periodic review of the water discontinuation policy and making recommendation for improvement.
2. Finance Department – Responsible for administration of this policy.
3. Public Works Department – Responsible to discontinue and restore water service and investigates water appeals.

Approved:

/signed
Mike Webb
City Manager