

## **TOWN WATER DISCONTINUATION FOR NONPAYMENT POLICY**

**Adopted September 17, 2019**

This policy enumerates the Town of Yountville's administrative actions for the collection of delinquent accounts, including notifications, charges, and discontinuation of service. This policy will be made available to the public on the Town's website. Any questions regarding this policy can be directed to [telephone number] or to the Town Finance Director at 6550 Yount Street, Yountville, CA 94599.

### Delinquent Account:

Delinquent accounts are hereafter identified as any account that remains unpaid (and without having made payment arrangements or established an alternative payment schedule) by close of business 21 days after issuance of the water bill. The following rules apply to the collection of delinquent accounts:

1. Small Balance Accounts: Any balance on a bill of \$20 or less may be carried over, and added to, the next billing period without being assessed a late charge or incurring further collection action.
2. Late Charge: If payment for a bill is not received by close of business on the 21<sup>st</sup> day after the bill is issued, a late charge will be assessed. The due date and late charge will be displayed prominently on the bill.
3. Waiver of Late Charge: At the request of the customer, the Town will waive the late charge if there are extenuating circumstances and the customer has not been assessed a late charge for delinquent payment in the preceding 6 months.
4. Waiver of Delinquent Notices and Charges to the State of California. The State of California, because of a sound financial base and variations in budget approval and warrant payment procedures, will not be sent delinquent notices or assessed a late charge for delinquent payment of existing accounts.
5. Amortization Plan Arrangements. Any customer who is unable to pay for water service within the normal payment period may request an amortization plan to avoid disruption of service. The Town will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted.

To qualify for an alternative payment schedule, the customer must:

- a. Submit a primary care provider certification, as defined in Welfare and Institutions Code section 14088(A)(1)(b), such as that discontinuation of service would be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where the service is provided.

- b. Demonstrate that he or she is financially unable to pay for service within the Town's normal billing cycle. A customer may be deemed financially unable to pay if:
  - i. 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
  - ii. The customer declares that the household's annual income is less than 200 percent of the federal poverty level.
- c. Agree to enter into the alternative payment schedule offered by the Town, governed by the policies described herein.

Payment schedules that extend into the next billing period are considered an amortization plan, which must be in writing and signed by the customer. An amortization plan will amortize the unpaid balance over a period defined by the customer, not to exceed 12 months from the original date of the bill. The amortized payments will be combined with, and subject to the due date of, the customer's regular bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan. Failure to comply with the terms of an amortization plan will result in the issuance of a written disconnection notice. The disconnection notice will be in the form of a door hanger delivered to the premises no less than 5 business days in advance of discontinuance of service.

The Town may, in its discretion, offer any other payment schedule as authorized by Health and Safety Code sections 116900 et seq. to customers who meet the qualifications described above.

- 6. Additional Notifications: As a courtesy, the Town will make a reasonable, good faith effort to notify the customer that the account remains past due and further collection action will be forthcoming approximately 60 days after bill due date. The means of notification will be based upon the notification preference (text, phone, or email) selected by the customer. Customers who have not selected a means of notification will be notified by phone. The Town assumes no responsibility for phone or email contact information that has not been kept up-to-date by the customer.
- 7. Written Disconnection Notice: The Town shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least 60 days. The Town will make a reasonable, good faith effort to contact the customer in writing at least 15 days before discontinuation of water service for non-payment. The written disconnection notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property to which water service is provided are

different, a second notice will be mailed to the service address and addressed to “Occupant”. The written disconnection notice will include:

- Customer’s name and address;
- Amount of the delinquency;
- Payment deadline to avoid termination of services;
- The process to apply for a payment extension;
- The process to petition for bill review and appeal;
- The process to apply for an amortization plan; and
- The telephone number of a Town representative who can provide additional information or institute arrangements for payment.

a. Notice to Residential Tenants/Occupants in an Individually Metered Residence

The Town will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least 15 days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the Town without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at that address. In order for the amount due on the delinquent account to be waived, the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments.

b. Notice to Tenants/Occupants in a Multi-Unit Complex Served through a Master Meter. The Town will make a reasonable, good faith effort to inform the occupants, by means of written notice hung on the door of each residence, when the water service account is in arrears and subject to disconnection at least 15 days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the Town without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at the address(es) served by the master meter. If one or more of the occupants are willing and able to assume responsibility for the subsequent charges for water service to the satisfaction of the Town, or if there is a physical means, legally available to the Town, of selectively terminating service to those occupants who have not met the requirements for service, the Town will make service available to the occupants who have met those requirements.

If the written disconnection notice is returned through the mail as undeliverable, the Town will make a reasonable, good faith effort to visit the residence and leave a notice of discontinuance for non-payment.

8. Forty-eight (48) Hour Notice of Termination: The Town will make a reasonable, good faith effort to notify the customer 48 hours in advance of disconnection of water service for non-payment. The means of notification will be based upon the notification

preference (text, phone, or email) selected by the customer. Customers who have not selected a means of notification will be notified by phone. If the Town is unable to make contact by text, phone, or email, a good faith effort will be made to visit the residence and leave a notice of termination of service.

9. Disconnection Deadline: All delinquent water service charges and associated fees must be received by the Town by 4:00 p.m. on the day specified in the written disconnection notice.
10. Disconnection of Water Service for Non-Payment: The Town will disconnect water service by turning off, and in some cases locking off, the meter. The customer will be charged a fee to reconnect service in the billing system regardless of whether the meter has physically been turned off.
11. Reconnection of Service: In order to resume or continue service that has been disconnected for non-payment, the customer must pay a reconnection fee. The Town will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next regular working day following payment of any past due amount, delinquent fees attributable to the termination of service, and a deposit for reconnection of the account. Water service that is turned on by any person other than Town personnel or without Town authorization may be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.
12. Reconnection of Service After Business Hours: Service restored after 4:00 pm Monday through Friday, or on weekends or holidays will be charged an after-hours reconnection fee. Service will not be restored after regular business hours unless the customer has been informed of the after-hours reconnection fee and has signed an agreement acknowledging the fee and agreeing to contact the Town's billing department no later than noon the following business day to pay the subject fee. The after-hours reconnection fee is in addition to the regular reconnection fee and the late charge for a past due account. Town staff responding to service calls are not permitted to collect payment but will instruct the customer to contact the billing department before noon the following business day.

Sometimes water service is discontinued because the service is a new account and the Town has not received a request to establish service. If service is being restored after regular business hours because the customer has yet to establish service, the customer must agree to contact the billing department to establish service the next business day and the after-hours reconnection will be waived. If service is discontinued for any reason not identified above, the service should be restored as quickly as possible and the customer advised to contact the billing department to resolve the issue. No after-hours reconnection fee will be charged in this instance.

13. Notification of Disposition of Returned Check: Upon receipt of a returned check taken as payment of water service or other charges, the Town will consider the account not paid. The Town will make a reasonable, good faith effort to notify the customer by phone or email of the returned check. A 48-hour notice of termination of

service due to a returned check will be generated. The means of notification will be based upon the notification preference (text, phone, or email) selected by the customer. Customers who have not selected a means of notification will be notified by phone. If the Town is unable to make contact by text, phone, or email, a good faith effort will be made to visit the residence and leave a notice of termination of service.

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 or certified funds.

14. Returned Checks for Previously Disconnected Service: In the event a customer tenders a non-negotiable check as payment to restore water service previously disconnected for non-payment and the Town restores service, the Town may promptly disconnect service without providing further notice. No 48-hour notice of termination will be given in the case of a non-negotiable check tendered for payment of water charges that were subject to discontinuance.

Any customer issuing a non-negotiable check as payment to restore service turned off for non-payment will be required to pay cash, credit card or certified funds to restore future service disconnections for a period of 12 months from the date of the returned payment.

15. Disputed Bills: Customers may contest or appeal a bill in accordance with Yountville Municipal Code section 13.40.010. To contest a bill, the customer must follow the prescribed procedure:
- a. Customer requests a review of the bill by the Town Finance Director in writing within 15 days of receipt of the bill.
  - b. Finance Director issues a written decision to the customer within 10 days of the request, either by personal service or U.S. Mail.
  - c. Customer may appeal the Finance Director's decision in writing to the Town Manager, or designee, within 10 days of service or mailing of such decision. Such appeal shall be addressed to the Town Manager at Yountville Town Hall, 6550 Yount Street, Yountville, California, 94599.
  - d. Town Manager or designee shall cause the matter to be set for hearing within 30 days of receipt of the written appeal. Town Manager or designee shall give at least 10 days' written notice to the customer of the time and place for the hearing by personal service or U.S. Mail, postage prepaid.
  - e. Town Manager or designee shall consider all evidence provided at the hearing, and shall provide written notice of his or her findings and decision within 30 days of the conclusion of the hearing by personal service or U.S. Mail, postage prepaid.
  - f. The decision of the Town Manager or designee shall be final.

If a customer disputes the water bill and exercises their right to appeal to the Board of Directors, the Town will not disconnect water service for non-payment while the appeal is pending.