

**CITY OF DINUBA
WATER SHUT OFF POLICY FOR NON-PAYMENT OF
RESIDENTIAL WATER SERVICE**

This Water Shut off Policy for Non-Payment of Residential Water Service shall apply to the City's discontinuation of residential water service for non-payment under the provisions set forth herein. In the event of any conflict between this Policy and any other policy or rule of the City of Dinuba, this Policy shall prevail.

I. Application of Policy; Contact Telephone Number:

This policy shall apply only to residential water service for non-payment and the City of Dinuba's existing policies and procedures shall continue to apply to commercial and industrial water service accounts. The City of Dinuba can be reached at (559) 591-5900 for assistance concerning the payment of water bills and the potential establishment of the alternatives set forth in this policy to avoid discontinuation of service.

II. Discontinuation of Residential Water Service for Non-Payment:

A. **Rendering and Payment of Bills:** Bills for water service will be rendered to each customer on a monthly basis on the first (1st) of each month for service in the prior month. Bills for service are due and payable upon presentation and become delinquent if not paid on or before the "Due Date". Water service is subject to discontinuation of service if not paid within sixty (60) days from the date of the bill (1st of each month). Payment may be made in person at the City of Dinuba, 405 E. El Monte Way or on the City of Dinuba's web site at www.dinuba.org. However, it is the customer's responsibility to assure that payments are received at the City of Dinuba office in a timely manner and to familiarize themselves with this fully inclusive document which covers City policies governing payment due dates and potential consequences for non-payment and return checks. Partial payments are not authorized. Bills will be computed as follows:

1. Meters will be read at regular intervals for the preparation of periodic bills and as required for the preparation of opening bills, closing bills, and special bills.
2. Bills for metered service will show the meter reading for the current and previous meter reading period for which the bill is rendered, the number of units, date, and days of service for the current meter reading.
3. City of Dinuba billings shall be paid in legal tender of the United States of America. Notwithstanding the foregoing, the City of Dinuba shall have the right to refuse any payment of such billings in coin.

B. **Delinquent Bills:** The following rules apply to customers whose bills remain unpaid for more than sixty (60) days following the bill date:

1. **Small Balance Accounts:** If less than \$50 remains unpaid on any billing, it shall be carried over and added to the next billing period.
2. **Delinquent Notice:** If payment for a bill is not made by the "Due Date", a "Delinquent Notice" will be mailed to the water service customer approximately at least seven (7) business days prior to the possible discontinuation of service date identified in the Delinquent Notice. If the

customer's address is not the address of the property to which the service is provided, the Delinquent Notice will also be sent to the address of the property served, addressed to "Occupant".

The Delinquent Notice will contain the following:

- a) Service address;
- b) Account number;
- c) Past due balance;
- d) Payment due date by which payment or arrangement for payment must be made in order to avoid discontinuation of service;
- e) Description of the process to apply for an extension of time to pay the amount owing;
- f) Description of the procedure to petition for review and appeal of the bill giving rise to the delinquency, and
- g) Description of the procedure by which the customer can request a deferred, amortized, reduced or alternative payment schedule.

In addition to the mailed delinquent notification mentioned above, the customer shall receive a telephone message from the telephone number on the customer's utility account informing them of imminent discontinuation of their service and delinquent fee should the notice go unpaid. It is the customer's responsibility to provide updated contact information on their account.

3. Unable to Contact Customer: If the City of Dinuba is not able to contact the customer by written notice (e.g., a mailed notice is returned as undeliverable) or by telephone, the City of Dinuba will make a good faith effort to visit the residence and leave, or make other arrangements to place in a conspicuous location, a notice of imminent discontinuation of service for non-payment, and a copy of this Policy.

4. Penalty Charge: A Penalty Charge, as specified in the City of Dinuba's fees and charges, shall be assessed and added to the outstanding balance on the customer's account if the amount owing on that account is not paid by the Penalty date and time.

5. Turn-Off Deadline: Payment for water service charges must be received in the City of Dinuba offices no later than 3:00 p.m. on the date specified in the Delinquent Notice. Postmarks are not acceptable.

6. Notification of Returned Check: Upon receipt of a returned check rendered as remittance for water service or other charges, the City of Dinuba will consider the account unpaid. The City of Dinuba will immediately notify the customer in writing. Water service will be disconnected if the amount of the returned check and returned check charge are not paid by the due date specified on the notice.

7. Returned Check Tendered as Payment for Water Service Disconnected for Nonpayment:

- a) If the check tendered and accepted as payment which resulted in restoring service to an account that had been disconnected for nonpayment is returned as non-negotiable, the City of Dinuba may

disconnect said water service upon at least three (3) calendar days' written notice. The customer's account may only be reinstated by receipt of outstanding charges in the form of cash or certified funds. Once the customer's account has been reinstated, the account will be flagged for a one-year period indicating the fact that a non-negotiable check was issued by the customer.

b) If at any time during the one year period described above, the customer's account is again disconnected for nonpayment, the City of Dinuba may require the customer to pay cash or certified funds to have that water service restored.

C. Conditions Prohibiting Discontinuation: To avoid discontinuation of water services, customers may choose to provide additional information for consideration by the City of Dinuba, all of the following conditions must be met to avoid discontinuation of water services:

1. Health Conditions – Certification Medical Letter from primary care provider that discontinuation of water service would (i) be life threatening, or (ii) pose a serious threat to the health and safety of a person residing at the property;

2. Financial Inability– Demonstrate financial inability to pay for water service within the normal billing cycle by anyone in the household who is a current recipient of:

- a. CalWORKS, CalFresh, California Special Supplemental Nutrition Program for Women, Infants and Children
- b. Medi-Cal
- c. Supplemental Security Income/State Supplementary Payment Program
- d. Household annual income is less than 200% of the federal poverty level

3. Payment Arrangements –The customer is willing to enter into an amortization agreement or payment plan.

D. Process for Determination of Conditions Prohibiting Discontinuation of Service: The burden of proving compliance with the conditions described in Subdivision (C), above, is on the customer. In order to allow the City of Dinuba sufficient time to process any request for assistance by a customer, the customer is encouraged to provide the City of Dinuba with the necessary documentation demonstrating the medical issues under Subdivision (C)(1), financial inability under Subdivision (C)(2) and willingness to enter into any alternative payment arrangement under Subdivision (C)(3) as far in advance of any proposed date for discontinuation of service as possible.

Upon receipt of such documentation, the City of Dinuba's Administrative Services Director, or his or her designee, shall review that documentation and respond to the customer within seven (7) calendar days to either request additional information, including information relating to the feasibility of the available alternative arrangements, or to notify the customer of the alternative payment options.

Customers who fail to meet the conditions described in Subdivision (C), above, must pay the delinquent amount, including any penalties and other charges, owing to the City of Dinuba within the later to occur of: (i) two (2) business days after the date of notification from the City of Dinuba of the determination the customer failed to meet those conditions; or (ii) the date of the impending service discontinuation, as specified in the Delinquent Notice.

E. Special Rules for Low Income Customers: Customers are deemed to have a household income below 200% of the federal poverty line if: (i) any member of the customer's household is a current recipient of the following benefits: CalWORKS, CalFresh, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the customer declares the household's annual income is less than 200% of the federal poverty level. If a customer demonstrates either of those circumstances, then the following apply:

1. Reconnection Fees: If service has been discontinued and is to be reconnected, then any reconnection fees during the City of Dinuba's normal operating hours cannot exceed \$50, and reconnection fees during non-operational hours cannot exceed \$150. Those fees cannot exceed the actual cost of reconnection if that cost is less than the statutory caps. Those caps may be adjusted annually for changes in the Customer Price Index for the Los Angeles-Long Beach-Anaheim metropolitan area beginning January 1, 2021.

2. Interest Waiver: The City of Dinuba shall not impose any interest charges on delinquent bills.

F. Landlord-Tenant Scenario: The below procedures apply to individually metered detached single-family dwellings, multi-unit residential structures and mobile home parks where the property owner or manager is the customer of record and is responsible for payment of the water bill.

1. Required Notice:

a. The City of Dinuba will make a good faith effort to inform the residential occupants by written notice when the account is delinquent and possess possible discontinuation of water at least 10 calendar days prior if the property is a multi-unit residential structure or mobile home park, or 7 calendar days prior if the property is a detached single-family dwelling.

b. The written notice must also inform the tenants/occupants that they have the right to become customers to whom the service will be billed (see Subdivision 2, below), without having to pay any of the then delinquent amounts.

2. Tenants/Occupants Becoming Customers:

a. The City of Dinuba is not required to make service available to the tenants/occupants unless each tenant/occupant agrees to the terms and conditions for service and meets the City's requirements and rules.

b. However, if (i) one or more of the tenants/occupants assumes responsibility for subsequent charges to the account to the City's satisfaction, or (ii) there is a physical means to selectively discontinue service to those tenants/occupants who have not met the City's requirements, then the City may make service available only to those tenants/occupants who have met the requirements.

c. If a tenant/occupant becomes a customer of the City of Dinuba and the tenant's/occupant's rent payments include charges for residential water service where those charges are not separately stated, the tenant/occupant may deduct from future rent payments all reasonable charges paid to the City during the prior payment period.

III. Alternative Payment Arrangements:

For any customer who meets the three conditions under Section II(C), above, in accordance with the process set forth in Section II (D), above, the City of Dinuba shall offer the customer one of the following alternative payment arrangements, to be selected by the City of Dinuba in its discretion and therefore by entering into agreement shall waive all appeals for those charges:

- (i) Amortization of the unpaid balance under Subdivision (A), below;
- (ii) Alternative payment schedule under Subdivision (B), below;
- (iii) Partial or full reduction of unpaid balance under Subdivision (C), below;
- (iv) Temporary deferral of payment under Subdivision (D), below.

The Administrative Services Director, or his or her designee, shall, in the exercise of reasonable discretion, select the most appropriate alternative payment arrangement after reviewing the information and documentation provided by the customer and taking into consideration the customer's financial situation and City of Dinuba's payment needs.

A. Amortization: Any customer who is unable to pay for water service within the City's normal payment period and meets all three conditions under Section II(C), above, as the City shall confirm, may, if the City has selected this alternative, enter into an amortization plan with the City on the following terms:

1. Term: The customer shall pay the unpaid balance, with the penalty fee and delinquent fees specified in Subdivision (2), below, over a period not to exceed twelve (12) months, as determined by the City of Dinuba's Administrative Services Director or his or her designee; provided, however, that the City of Dinuba's Administrative Services Director or his or her designee, in their reasonable discretion, may apply an amortization term of longer than twelve (12) months to avoid undue hardship on the customer. The unpaid balance, together with the applicable penalty fee and delinquent fee, shall be divided by the number of months in the amortization period and that amount shall be added each month to the customer's ongoing monthly bills for water service.

2. Compliance with Plan: The customer must comply with 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. Where the customer fails to comply with the terms of the amortization plan for sixty (60) calendar days or more, or fails to pay the customer's current service charges for sixty (60) calendar days or more, the City of Dinuba may discontinue water service to the customer's property at least five (5) business days after the City of Dinuba posts at the customer's residence a final notice of its intent to discontinue service.

B. Alternative Payment Plan: Any customer who is unable to pay for water service within the City's normal payment period and meets the three conditions under Section II(C), above, as the City of Dinuba shall confirm, may, if the City has selected this alternative, enter into an alternative payment plan schedule for the unpaid balance in accordance with the following:

1. Repayment Period: The customer shall pay the unpaid balance, with the penalty fee over a period not to exceed twelve (12) months, as determined by the City of Dinuba's Administrative Services Director or his or her designee; provided, however, that the City of Dinuba's Administrative

Services Director or his or her designee, in their reasonable discretion, may extend the repayment period for longer than twelve (12) months to avoid undue hardship on the customer.

2. Schedule: After consulting with the customer and considering the customer's financial limitations, the City of Dinuba's Administrative Services Director or his or her designee shall develop an alternative payment schedule to be agreed upon with the customer. That alternative schedule may provide for periodic lump sum payments that do not coincide with the City of Dinuba's established payment date, may provide for payments to be made more frequently than monthly, or may provide that payments be made less frequently than monthly, provided that in all cases, subject to Subdivision (1), above, the unpaid balance and delinquent fee shall be paid in full within twelve (12) months of establishment of the payment schedule. The agreed upon schedule shall be set forth in writing and be provided to the customer.

4. Compliance with Plan: The customer must comply with the agreed upon payment schedule and remain current as charges accrue in each subsequent billing period. The customer may not request a longer payment schedule for any subsequent unpaid charges while paying delinquent charges pursuant to a previously agreed upon schedule. Where the customer fails to comply with the terms of the agreed upon schedule for sixty (60) calendar days or more, or fails to pay the customer's current service charges for sixty (60) calendar days or more, the City may discontinue water service to the customer's property at least five (5) business days after the City of Dinuba posts at the customer's residence a final notice of its intent to discontinue service.

C. Reduction of Unpaid Balance: Any customer who is unable to pay for water service within the City of Dinuba's normal payment period and meets the three conditions under Section II(C), above, as the City of Dinuba shall confirm, may, if the City of Dinuba has selected this alternative, receive a reduction of the unpaid balance owed by the customer, not to exceed ten percent (10%) of that balance without approval of and action by the City; provided that any such reduction shall be funded from a source that does not result in additional charges being imposed on other City customers. The proportion of any reduction shall be determined by the customer's financial need, the City's financial condition and needs and the availability of funds to offset the reduction of the customer's unpaid balance.

1. Repayment Period: The customer shall pay the reduced balance by the due date determined by the City's Administrative Services Director or his or her designee, which date (the "Reduced Payment Date") shall be at least fifteen (15) calendar days after the effective date of the reduction of the unpaid balance.

2. Compliance with Reduced Payment Date: The customer must pay the reduced balance on or before the Reduced Payment Date, and must remain current in paying in full any charges that accrue in each subsequent billing period. If the customer fails to pay the reduced payment amount within sixty (60) calendar days after the Reduced Payment Date, or fails to pay the customer's current service charges for sixty (60) calendar days or more, the City may discontinue water service to the customer's property at least five (5) business days after the City of Dinuba posts at the customer's residence a final notice of its intent to discontinue service.

D. Temporary Deferral of Payment Plan: Any customer who is unable to pay for water service within the City of Dinuba's normal payment period and meets the three conditions under Section II(C), above, as the City shall confirm, may, if the City has selected this alternative, have payment of the unpaid balance temporarily deferred for a period of up to six (6) months after the payment is due. The City shall determine, in its discretion, how long of a deferral shall be provided to the customer.

1. Repayment Period: The customer shall pay the unpaid balance by the deferral date (the "Deferred Payment Plan Date") determined by the City of Dinuba's Administrative Services Director or his or her designee. The Deferral Payment Plan Date shall be within twelve (12) months from the date the unpaid balance became delinquent; provided, however, that the City of Dinuba's Administrative Services Director or his or her designee, in their reasonable discretion, may establish a Deferred Payment Plan Date beyond that twelve (12) month period to avoid undue hardship on the customer.

2. Compliance with Reduced Payment Date: The customer must pay the reduced balance on or before the Deferred Payment Plan Date, and must remain current in paying in full any charges that accrue in each subsequent billing period. If the customer fails to pay the unpaid payment amount within sixty (60) calendar days after the Deferred Payment Plan Date, or fails to pay the customer's current service charges for sixty (60) calendar days or more, the City of Dinuba may discontinue water service to the customer's property at least five (5) business days after the City of Dinuba posts at the customer's residence a final notice of its intent to discontinue service.

IV. Appeal: The procedure to be used to appeal the amount set forth in any bill for residential water service is as follows unless an alternative payment agreement has been initiated in which case all appeals for those charges shall be waived:

A. Initial Appeal: Within ten (10) days of receipt of the bill for water service, the customer has a right to initiate an appeal or review of any bill or charge rendered by the City of Dinuba. Such request must be made in writing and be delivered to the City of Dinuba's office located at 405 E. El Monte Way. For so long as the customer's appeal and any resulting investigation is pending, the City of Dinuba cannot discontinue water service to the customer.

B. Appeal Review: Following receipt of a request for an appeal or review, a review date shall be promptly set before the Administrative Services Director, or his or her designee. After evaluation of the evidence provided by the customer and the information on file with the City of Dinuba concerning the water charges in question, a decision as to the accuracy of the water charges set forth on the bill and shall provide the appealing customer with a brief written summary of the decision.

1. If water charges are determined to be incorrect, the City of Dinuba will provide a corrected invoice and payment of the revised charges will be due within ten (10) calendar days of the invoice date for revised charges. If the revised charges remain unpaid for more than sixty (60) calendar days after the corrected invoice is provided, water service will be disconnected, on the next regular working day after expiration of that sixty (60) calendar day period; provided that the City of Dinuba shall provide the customer with the Delinquent Notice in accordance with Section II (B) (2), above. Water service will only be restored upon full payment of all outstanding water charges, penalties, and any and all applicable delinquent charges.

(a) If the water charges in question are determined to be correct, the water charges are due and payable within five (5) business days after the decision is rendered. The decision of the Administrative Services Director, or his or her designee is final and binding.

V. **Restoration of Service:** In order to resume or continue service that has been discontinued by the City of Dinuba due to non-payment, the customer must pay a Delinquent Fee established by the City of Dinuba, subject to the limitation set forth in Section II(E)(1), above. The City of Dinuba will endeavor to make such reconnection as soon as practicable as a convenience to the customer. The City of Dinuba shall make the reconnection no later than the end of the next regular working day following the customer's request and payment of any applicable fees.

VI. **Unauthorized Action of a Customer:** This Policy does not apply to the termination of service connection by the City due to an unauthorized action of a customer.