RESOLUTION NO. 3565-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING THE DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT POLICY AS REQUIRED BY SENATE BILL 998, KNOWN AS THE WATER SHUTOFF PROTECTION ACT

WHEREAS, On September 28, 2018, Governor Brown signed into law Senate Bill 998 (SB 998), known as the Water Shutoff Protection Act, which beginning February 1, 2020, changes the requirements and procedures relative to the discontinuation of residential water service for nonpayment; and

WHEREAS, SB 998 requires an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment; and

WHEREAS, SB 998 also mandates that the Town reports the number of annual discontinuations of residential service for inability to pay; and

WHEREAS, SB 998 requires a written policy regarding residential water service disconnection and a copy of that policy must be provided to customers if requested in the languages specified in Section 1632 of the Civil Code, as well as any other languages spoken by at least ten percent (10%) of the people residing in the Town's service area.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor does hereby adopt Policy No. 2020-001, Discontinuation of Residential Water Service for Nonpayment Policy, as set forth in the attached Exhibit A.

PASSED, APPROVED AND ADOPTED this 15th day of January 2020, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, OKREPKIE, SALMON, VICE MAYOR LEMUS AND MAYOR FOPPOLI**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

DOMINIC FOPPOLI, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Attachment:

- **Exhibit A** – Discontinuation of Residential Water Service for Nonpayment Policy

TOWN OF
WINDSOR

Discontinuation of Residential Water Service for Nonpayment Policy

Policy #:	**2020-001**
Resolution:	2020-xx
Sponsored By:	Administrative Services Department
Effective Date:	February 1, 2020
Approval Date:	**January 15, 2020**

PURPOSE

To establish a Policy if a water utility bill becomes delinquent. If a water utility bill becomes delinquent, the Town of Windsor (Town) will apply the following Discontinuation of Residential Water Service for Nonpayment Policy (Policy). This Policy enumerates the Town's administrative actions for the collection of delinquent accounts, including notifications, fee assignments and disconnection of water service. Discontinuation of water service for nonpayment is considered the final phase of the collection procedure and will be instituted only after sufficient notification, and when all other reasonable alternatives have been exhausted.

POLICY

This Policy will be made available in English, the languages listed in Section 1632 of Civil Code, and any other language spoken by at least ten percent (10%) of the people residing in the Town's service area and published on the Town's website at www.townofwindsor.com. This Policy will apply to all Town water service users.

GERERAL PROVISION

A. The Town bills bimonthly for utility services. All water utility bills are due upon presentation and payable no less than thirty (30) days after issuance.
B. A late fee will be applied to delinquent charges and a Past Due notice will be sent to the mailing address on file following a grace period of at least ten (10) days after charges become delinquent.
C. The Town will attempt to contact the occupant of the service location and provide notice of delinquency and pending disconnection of water service as provided in this Policy.
D. The Town will disconnect water service for charges that have become delinquent for a period of no less than sixty (60) days. An Administrative Fee, as set forth in the Master Fee Schedule will be applied to the account for any water service disconnected for nonpayment of delinquent charges. The Town will leave notice of the disconnection with

information on how to restore water service.

E. Customers whose water service has been discontinued may contact the Town by telephone or in person regarding reconnection of service. Reconnection will be subject to payment of the delinquent charges, administrative fee, and any other applicable charges.

DELINQUENT ACCOUNT

A. Written Past Due Notice
   1. If payment for a water utility bill is not received by close of business on the fortieth (40) day after issuance of the water utility bill, a late fee, as set forth in the Master Fee Schedule, will be assessed.
   2. A past due notice will be sent to the account holder of record stating the amount of the late fee.
   3. The past due notice will provide the last date an account holder of record is able to make full payment or make a payment arrangement to avoid subsequent fees and potential water service disconnection.

B. Waiver of Late Fee
   1. At the request of the account holder of record, the Town will waive one late fee per calendar year.
   2. If there are extenuating circumstances and the account holder of record has not been assessed a late fee.
   3. If the account holder of record has not had previous late fee(s) waived for delinquent payment in the preceding twelve (12) months.

C. Alternative Payment Arrangements
   1. Any account holder of record who is unable to pay for a water utility bill on or before the scheduled due date may request an Alternative Payment Arrangement to avoid late fees or discontinuation of water service.
   2. In compliance with SB 998, the Town will consider all circumstances surrounding the request and make a determination as to whether the Alternative Payment Arrangement is warranted.
      a. Certification by Primary Care Provider
         Certification by a Primary Care Provider (General Practitioner, Obstetrician, Gynecologist, Pediatrician, Family Practice Physician, Primary Care Clinic, Hospital, or Outpatient Clinic) who certifies that the discontinuation of water service will be life-threatening or pose a serious threat to the health and safety of any resident of the premises where water service is provided will obligate the Town to enter an amortized repayment plan.
      b. Financially Unable to Pay
         The account holder of record demonstrates that he or she is financially unable to pay for water service within the normal billing cycle. The account holder of record or any member of the account holders household, must be a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special

Supplementary Nutrition Program for Women, Infants and Children, or the account holder of record declares that the household's annual income is less than two hundred (200) percent of the federal poverty level.

D. Amortization Plans
   1. Payment arrangements that extend into the next billing period are considered an amortization plan, which must be in writing and signed by the account holder.
   2. An amortization plan will amortize the unpaid balance over a period defined by the account holder, approved by the Town, and not to exceed twelve (12) months from the date of the approved amortization plan.
   3. The account holder of record must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period.
   4. The account holder of record may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.
   5. 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 letter issued to the service location no less than seven (7) businesses days in advance of discontinuance of water service.

ADDITIONAL NOTIFICATIONS

A. Written Disconnection Notice
   1. The Town shall not disconnect water service for non-payment until payment by the account holder of record has been delinquent for at least sixty (60) days.
   2. The Town will make a reasonable, good faith effort to contact the account holder of record in writing at least seven (7) business days before discontinuation of water service for non-payment.
   3. The written disconnection notice will be mailed to the mailing address designated by the account holder of record. If the mailing address and the address of the service location to which water service is provided are different, a second notice will be mailed to the service location and addressed to "Occupant". The written disconnection notice will include:
      - Account holder's name and address
      - Amount past due
      - Date by which payment or payment arrangements are required to avoid discontinuation of water service
      - Description of the process to apply for an amortization plan
      - Description of the process to dispute or appeal a bill
      - Town phone number and a web link to the Town's written discontinuation of residential water service Policy

B. Notice to Residential Tenants/Occupants in an Individually Metered Residence
   1. 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 ten (10) days before water service is scheduled for disconnection.

2. The written notice will advise the tenant/occupant that they have the right to become an account holder of record 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 said service location.
3. The tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rental payments.

C. Notice to Tenants/Occupants in a Multi-Unit Complex Served through a Master Meter
   1. The Town will make a reasonable, good faith effort to inform the occupants, by means of written notice posted conspicuously on or in front of the property, when the water service account is in arrears and subject to disconnection at least ten (10) days before water service is scheduled for disconnection.
   2. The written notice will advise the tenant/occupant that they have the right to become an account holder of record 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 said service location, and including address(es) served by the master meter.
   3. The tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rental payments.

RECONNECTION OF WATER SERVICE

A. Reconnection During Business Hours
   1. In order to reconnect water service that has been disconnected for non-payment, the account holder of record must pay all delinquent charges and fees owed.
   2. To reconnect water service the same day without an after-hours fee, as set forth in the Master Fee Schedule, the payment must be received prior to 5:00 p.m., Monday – Thursday, otherwise an after-hours fee will be applied.
   3. Water service that is reconnected by any person other than Town personnel or without Town authorization may be subject to fines or additional fees, as set forth in the Master Fee Schedule.
   4. Any damages that occur as a result of unauthorized reconnection of water service are the responsibility of the account holder.

B. Reconnection of Water Service After Business Hours
   1. Reconnection of water service requested after 5:00 p.m. Monday – Thursday, Friday, Closures, Holidays, or Weekends, the account holder of record will be charged an after-hours fee, as set forth in the Master Fee Schedule.
   2. The account holder of record will be contacted by Town personnel verifying water service is disconnected. Water service will not be reconnected unless the account holder of record or his/her designee has been informed of the after-hours fee and verbally authorizing Town personnel to reconnect water service.
   3. Water Service will not be reconnected until the account holder of record or his/her designee has signed the After-Business Hours Service Call form acknowledging the

delinquent charges and applicable fees must be paid in full no later than 10:00 a.m. the following business day.

4. If payment is not received by 10:00 a.m. the following business day, water service will be disconnected and locked off until all delinquent charges are paid in full.
5. If water service is being reconnected after regular business hours for any reason other than non-payment, the account holder of record must contact the Administrative Services Department the following business day to discuss reason for reconnection and possible waiver of after-hours fee.

DISPUTED BILLS

A. Right to Appeal
   1. If an account holder of record disputes the water utility bill and exercises their right to appeal to the Administrative Services Director or his/her designee, the Town will not disconnect water service for non-payment while the appeal is pending.
   2. An account holder of record must notify the Town in writing of the dispute and requests a review or investigation, within fifteen (15) days from the date of the disputed bill or any initial notice of disconnection.
   3. If an account holder of record believes a payment has been made but not recorded on their account, the account holder of record will be required to present a receipt, cancelled item or other satisfactory evidence to substantiate the payment and enable the Town to research the receipt of the payment.

TRANSLATION

A. Policy
   1. Translation of this Policy in the languages listed in Section 1632 of the Civil Code are available at the Town office or website.
      a. Please visit our office or website for a translation of this Policy.
      b. Visite nuestra oficina o sitio web para obtener una traducción de este politica.
      c. 请访问我们的办公室或网站，了解本政策的翻译
      d. Mangyaring bisitahin ang aming opisina o website para sa isang pagsasalin ng patakarang ito.
      e. Vui lòng truy cập văn phòng hoặc trang web của chúng tôi để dịch bản chính sách này.
      f. 이 정책에 대한 번역은 저희 사무실이나 웹 사이트를 방문하십시오.

B. Notices
   1. All written notices issued under this Policy will be available at the Town office or website in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the Town's service area.