

# **City of Sonoma**

## **Water Shutoff Policy**

### **1. PURPOSE**

The purpose of this policy is to establish guidelines for the disconnection of residential water service for nonpayment.

### **2. POLICY**

#### **2.1 Definitions**

For the purpose of this policy the following definition applies:

2.1.1 “Residential service” means water service to a residential connection that includes, single-family residences, multi-family residences, and mobile homes.

#### **2.2 Applicability**

Pursuant to the State of California Water Shutoff Protection Act (Senate Bill No. 998), the City of Sonoma (the “City”) has developed this written policy on disconnection of residential service for nonpayment (hereinafter referred to as the “Policy”). This policy describes the City’s administrative procedures for the collection of delinquent accounts, including notifications, fee assignments and disconnection of service.

### **3. REQUIREMENTS**

#### **3.1 Written Policy**

The Water Shutoff Policy will be available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least ten (10) percent of the people residing in its service area. The Policy will be made available on the City’s internet website and will include the following:

##### **3.1.1 Alternative Payment Arrangements**

The City shall offer an alternative payment arrangements to any customer who meets the criteria described in Sections 3.6.1.1 and 3.6.1.2 of this Policy. The City may, in its sole discretion, offer an alternative payment arrangement to any other requesting customer. The City may choose which of the alternative payment arrangements to offer a customer and may set the parameters of that payment option, including whether the customer is required to sign a written agreement. Customers will not be offered an alternative payment arrangement while already subject to such arrangement. Alternative payment arrangements include:

##### **3.1.1.1 A plan for temporary deferral of payments**

The City may offer to extend the due date for a customer’s unpaid charges. The payment extension cannot go past the following billing statement’s due date. The customer may not request another alternative payment arrangement of any subsequent unpaid charges while paying delinquent charges pursuant to a deferral plan. Failure to comply with the deferral plan may result in the disconnection of residential water service as soon as the following business day without further notice, unless the customer is

covered by Section 3.6 of this Policy. Customers are limited to one (1) deferral plan in a twelve (12) month period.

#### 3.1.1.2 Amortization of the unpaid balance

The City may offer an amortized payment arrangement. The unpaid balance will be amortized over a specified period of time, generally not to exceed three (3) months. The amortized payments will be subject to the due date of the customer's regular monthly billing statement. The customer must comply with the terms of the amortization plan in addition to paying all current charges as they accrue in each subsequent billing period. Failure to comply with the terms of an amortization plan, including failure to make payment thereunder when due, may result in the disconnection of residential water service as soon as the following business day without further notice, unless the customer is covered by Section 3.6 of this Policy. Customers are limited to one (1) amortization plan in a twenty-four (24) month period.

#### 3.1.2 A formal mechanism for a customer to contest or appeal a bill

Appeals must be in writing on forms prescribed by the City and must be received by the City within fifteen (15) days of the billing date. The customer will be informed of the City's determination on the appeal in writing. Appeals will be handled as described in Sonoma Municipal Code section 13.04.080.

Failure to file a timely appeal will render the last decision as final. City will not disconnect residential water service for nonpayment while an appeal is pending. The Customer must continue timely payment of all undisputed amounts due during the appeal process.

#### 3.1.3 Contact information for a customer to discuss options for averting disconnection of residential water service for nonpayment.

The Finance Department may be reached at (707) 933-2244. Alternative contact information and hours of operation can be located on the City of Sonoma website, [www.sonomacity.org](http://www.sonomacity.org).

### 3.2 **Disconnection Time Frame and Notification**

#### 3.2.1 The City will not disconnect residential water service for nonpayment until a payment by a customer has been delinquent for at least sixty (60) days after the bill due date.

#### 3.2.2 No less than seven (7) business days before disconnection of residential water service for nonpayment, the City will contact the customer on the account by written notice.

3.2.2.1 The written notice of payment delinquency and impending disconnection will be mailed to the customer of the residence to which the service is provided. The notice will be mailed to the mailing address designated on the customer account. The City is not responsible for

unreceived mail.

3.2.2.2 If the customer's mailing address is not the residential service address, a duplicate written notice will be sent to the address of service, addressed to "Occupant". The notice will include the following:

- o The customer's name and address.
- o The past due amount.
- o Payment deadline to avoid termination of service.
- o A description of the process to apply for an extension of time to pay the delinquent charges.
- o A description of the procedure by which the customer may request an alternative payment arrangement pursuant to Section 3.1 of this Policy.
- o A description of the procedure to petition for bill review and appeal.
- o City phone number and a web link to this Policy.

3.2.2.3 If the written notice is returned by mail as undeliverable, the City will make a good faith effort to visit the residence and leave a notice, in a conspicuous place, of imminent disconnection of residential water service for nonpayment and a copy of the written policy for disconnection of residential water service for nonpayment.

3.2.2.4 The water service disconnection ("turn off") / reconnection ("turn on") fee (and other applicable fees) for nonoperation hours and operation hours have been established through resolution and can be found in the City's fee schedule (UT-02).

3.2.2.5 Once the City has completed the steps outlined in this policy and the customer's residential water service has been disconnected, the City will not offer any alternative payment arrangement such as payment deferral or amortization of the unpaid balance.

### **3.3 Disconnection of Residential Water Service Landlord-Tenant Relationship**

#### **3.3.1 Individually Metered Residential Service:**

3.3.1.1 If individually metered residential service is supplied to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp, and the owner, manager, or operator of such is the customer of record, the City shall make every good faith effort to inform the residential occupants by means of written notice at least ten (10) days prior to termination, when the account is past due, that service will be terminated.

3.3.1.2 The written notice shall inform the residential occupants that they have the right to become a customer, who will then be billed for service, without being required to pay any amount which may be due on the delinquent account.

3.3.1.3 The notice shall provide contact information for residential occupants to contact to arrange to become customers. Such residential occupants must be willing to agree to the City's terms and conditions of service, and any other such requirements.

3.3.1.4 If the property is in a "disconnect" status, the new customer will be required to provide a lease agreement or other proof of legal occupancy to the City before moving forward.

3.3.2 Master-Metered Residential Service:

3.3.2.1 For master-meter residential service, the City will make a good faith effort to inform the occupants, by means of written notice at least fifteen (15) days before termination, that the account is past due and that service will be terminated on the date specified in the notice.

3.3.2.2 The notice must specify what occupants are required to do to prevent termination of, or reestablish, service; the estimated monthly cost of service; the title, address and telephone number of a representative of the City who can assist the occupants in continuing service; and the address or telephone number of a qualified legal services project that has been recommended by the local county bar association.

3.3.2.3 If it is not reasonable or practicable to post notice on the door of each unit, the City will post two (2) copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice will inform residents they have the right to become customers of the City without being required to pay the amount due on the delinquent account; provided, however, that the occupants agree to the City's terms and conditions of service and other requirements.

3.3.2.4 Service will not be made 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 City's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the City, or if there is a physical means legally available to the City of selectively terminating service to those residential occupants who have not met the requirements of the City's rules and tariffs, the City shall make service available to those residential occupants who have met those requirements.

3.3.2.5 For the amount due on the delinquent account to be waived, the occupant who becomes a customer will be required to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

3.3.3 If one (1) or more of the occupants are willing and able to assume responsibility for the subsequent charges to the satisfaction of the City,

or If there is a physical means legally available to the City of selectively terminating service to those residential occupants who have not met the City's requirements, the City will make service available to those residential occupants who have met the City's requirements to become a customer.

- 3.3.4 If prior service for a period of time is a condition for establishing credit with the City, residence and proof of prompt payment of rent or other credit obligations for that period may be required to establish a customer account for the residence subject to disconnection.
- 3.3.5 Any occupant who becomes a customer of the City pursuant to this section, whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the City for those services during the preceding payment period. The City is not responsible for such deductions and such deductions solely remain a matter between the residential occupant and the person to whom the underlying payments are being made.

### **3.4 Delinquent Fees & Charges**

- 3.4.1 If payment is not received by 3:00 PM on the due date indicated on a water bill, such bill is delinquent.
- 3.4.2 A fee will be assessed if payment for a water bill is not received by 3:00 PM on the twenty-ninth (29<sup>th</sup>) day after the due date.
- 3.4.3 Fees associated with delinquency are governed by the City's adopted fee schedule.
- 3.4.4 The customer is responsible for providing the City with up-to-date contact information, including but not limited to mailing address, telephone number, and email address. The City assumes no responsibility if information has not been kept up-to-date.
- 3.4.5 The customer is responsible for timely payments. Failure to receive a bill does not excuse fees associated with delinquency, or change the timeframe outlined in section 3.3 of this policy.

### **3.5 Reconnection of Residential Water Service**

- 3.5.1 Once a customer's residential water service has been disconnected in accordance with this Policy, the customer must pay the following by 3:00 PM, with the exception of nonoperating days, on the day they would like service turned on:
  - 3.5.1.1 All delinquent charges and fees
  - 3.5.1.2 The water service turn off / turn on fee adopted by resolution of the City Council and reflected in the City's fee schedule (UT-02).
  - 3.5.1.3 A deposit in the amount of one hundred fifty (150) dollars.

- o After twenty-four (24) consecutive timely payments, or when service is terminated by the customer, and the account has not been delinquent, the deposit will be applied to the account.

3.5.2 The City will endeavor to reconnect service as soon as practicable after payment is received pursuant to this section.

### **3.6 Low Income Customers with Medical Requirements for Water**

3.6.1 The City will not discontinue a customer's residential service for nonpayment if all the following conditions are met:

3.6.1.1 The customer submits to the City the certification of a primary care provider, as the term is defined in the California Welfare and Institutions Code 14088(1)(A), that disconnection of residential water service will be life threatening to, or pose a serious threat to, the health and safety of a resident of the premises where the residential service is provided.

3.6.1.2 The customer demonstrates that he or she is financially unable to pay for residential water service within the City's normal billing cycle. To qualify as financially unable to pay for residential service within the normal billing cycle, the customer or a member of the household being served must be a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer must declare that the household's annual income is less than two hundred (200) percent of the federal poverty level.

3.6.1.3 The customer is willing to enter into an alternative payment arrangement as defined in policy section 3.1.

3.6.2 If all conditions set forth in sections 3.6.1.1 through 3.6.1.3 are met, and an alternative payment plan has been established, residential water service may be disconnected no sooner than five (5) business days after the City posts a final notice of intent to disconnect service in a conspicuous location at the property under either of the following circumstances:

3.6.2.1 The customer fails to comply with a payment amortization or deferral for sixty (60) days or more.

3.6.2.2 While undertaking an alternative payment arrangement, the customer does not pay his or her current residential service charges for sixty (60) days or more.

3.6.3 If all conditions listed in sections 3.6.1.1 through 3.6.1.3 are met:

3.6.3.1 Pursuant to the California Health and Safety Code section 116914(a)(1) the reconnection fee during normal operation hours will be determined by the City's fee schedule (SMC 13.04.120), but shall be no more than fifty (50) dollars, with annual adjustments to reflect changes in the Consumer Price Index beginning January 1, 2021.

3.6.3.2 Pursuant to the California Health and Safety Code section 116914(a)(1) the reconnection fee outside normal operation hours will be determined by the City's fee schedule (SMC 13.04.120), but shall be no more than one hundred and fifty (150) dollars, with annual adjustments to reflect changes in the Consumer Price Index beginning January 1, 2021.

### **3.7 Returned Payments for Previously Disconnected Services**

- 3.7.1 If a payment for the reconnection of water service is returned or reversed for any reason, the City may immediately disconnect residential water service without providing further notice.
- 3.7.2 If payment for reconnection of service is returned or reversed for any reason, all subsequent payments for the account will be required in cash or certified funds, for the period of twelve (12) months from the date of the returned payment. Credit card payments may be an alternative payment method accepted at the City's discretion.

### **3.8 Annual Reporting**

- 3.8.1 The City will annually report on the City's website and to the State Water Resources Control Board, the number of residential service disconnections resulting from nonpayment.

### **3.9 Severability**

- 3.9.1 The titles, sections, subsections, paragraphs, sentences, clauses and phrases of this policy are severable. If any is declared unconstitutional, invalid or unenforceable by a court, that determination will not affect the remaining provisions.

### **3.10 Unauthorized Action**

- 3.10.1 This Policy only applies to disconnection due to nonpayment. The Policy does not apply to the City's termination of a service connection due to an unauthorized or negligent act of a customer, or in the event of an emergency (See SMC 13.04.251; 13.04.090).