

## Regulation 303

### **Discontinuation of Residential Water Service**

(a) **Applicability**

This Regulation specifies the procedures for discontinuation of residential water service when payment by the residential customer of rates and charges becomes delinquent. This regulation shall apply, effective February 1, 2020, to all Inverness Public Utility District Water System customer accounts for water service connections that are classified by the System as “residential services.” Services whose rates and charges are determined pursuant to application of Rate Codes RN, RX, LV, and LX (or their equivalents) are deemed to be “residential services.” The provisions of this Regulation are intended to comply with Sections 116900 – 116926 in Chapter 6, “Discontinuation of Residential Water Service,” of Part 12, Division 104, of the Health and Safety Code (HSC) of the State of California, as well as with Sections 16482, 16482.1, and 16483 of Article 3, Chapter 4, Division 7 of the Public Utilities Code (PUC) of the State of California. Where provisions of one are duplicative of the other, compliance with one shall be deemed compliance with the other; where provisions are inconsistent, the provisions of the HSC shall apply.

(b) **District’s Policy on Discontinuation of Residential Service for Nonpayment**

The following provisions constitute the District’s policy on discontinuation of residential water service for nonpayment, pursuant to Sec. 116906 of the Health and Safety Code of the State of California:

1. Plan for deferred or reduced payments: The District offers deferred payment on the basis of a customer’s acceptance of an “alternative payment schedule,” as noted in No. 2 below. “Reduced payment” can be instituted pursuant to a customer’s qualification for participation in the District’s Lifeline Program (Regulation 302). Reduced payment may also be available by the customer making arrangements with an outside agency, such as West Marin Community Services or the Salvation Army, to make payment on the customer’s behalf.
2. Alternative payment schedules: The District offers an alternative payment schedule that shall be structured to ensure that all delinquent charges as well as all charges estimated to accrue over the subsequent six bimonthly billing periods will be paid in equalized monthly installments over a period of 12 months beginning on the date of initiation of the alternative payment schedule. The amount of the remaining monthly payment installments shall be adjusted from time to time by the District’s executive officer as necessary so that that total of all amounts in arrearage, the then-current charges, and the amounts that are estimated to accrue during the remainder of the alternative payment period will likely be paid in full by the end of the 12-month alternative payment period.
3. Mechanism for a customer to contest or appeal a bill: A customer may contest or appeal a bill by contacting the District’s executive officer (General Manager or Administrator) within 90 days of the date of the subject bill. Whenever a customer is contacted about payment of a bill that has become delinquent, an offer shall be made to discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.
4. Telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment: (415) 669-1414.

(c) **Availability of District's Policy on Discontinuation of Residential Service for Nonpayment**

The District's policy on discontinuation of residential water service for nonpayment, as enumerated in section (b) of this Regulation, shall be made available in English, in the languages listed in Section 1632 of the Civil Code, and in any other language spoken by at least 10 percent of the people residing the District's service area. The policy shall be made available on the District's Internet website, and it shall be offered to be made available in writing to any customer contacted by the District by telephone regarding discontinuation of residential service for nonpayment.

(d) **Discharge of a Delinquency in Payment of a Bill**

Charges become delinquent 19 days from the date of the mailing of the District's bill for the services. District strives to provide, at its option, a mailed "Reminder Notice" on or after 21 days of the date of the mailing of the District's bill for services. Formal notification that a payment has become delinquent is made by mailing to the customer a "Notice of Account Delinquency and Impending Service Termination," which shall occur not earlier than 42 days from the date of the bill for which payment has become delinquent and shall require payment of the delinquent charges within 15 days of the date of the notice (this is the so-called "10-day notice"). If charges remain delinquent after the payment date specified on the "Notice of Account Delinquency and Impending Service Termination," a "48-Hr Notice of Service Termination" is mailed no earlier than 60 days from the date of the delinquent bill; said 48-hour notice is provided by mail, by telephone call or electronic media if possible, and by posting at the served premises. No residential service shall be discontinued for nonpayment until a payment has been delinquent for least 60 days (which is 79 days from the date of the mailing of the District's bill for the services); however, once a 48-hour notice has been provided, all rates and charges that have accrued on the customer's account, whether or not yet delinquent, and which remain unpaid, become payable in full in order to prevent service discontinuation or in order to resume service to a discontinued service.

(e) **Petition to District's Executive Officer and Appeal of Executive Officer's Determination**

A customer may petition to the District's executive officer for a hearing on the accuracy of any charges billed to the customer. Such a petition must be filed with the District within 90 days of the date of the bill containing the contested charge or charges, or, if applicable, within the time period specified for filing an appeal that is included on any notice provided by the District of a payment that has become delinquent. The District's executive officer shall conduct such a hearing within 30 days of receipt of customer's petition for a hearing and shall issue a written decision within 14 days of the conclusion of the hearing. Within 30 days of the date of the executive officer's written decision, the customer may appeal the executive officer's decision to the Board of Directors by submitting a written appeal in letter format addressed to the executive officer. Upon receipt of such an appeal to the Board of Directors, the executive officer shall place the appeal on the agenda for the next regular meeting of the Board of Directors that is at least 12 calendar days from the date of the District's receipt of the customer's written appeal. The decision of the Board of Directors upon hearing and considering the appeal shall be final and binding. The District shall not take any action to discontinue service to a subject service once a petition for a hearing or an appeal to the Board of directors has been filed and until the petition or appeal has been resolved.

(f) **Incorrectly Calculated or Assessed Charges**

The District's executive officer shall adjust any charges billed to a customer that investigation determines were incorrectly calculated or assessed. If such investigation is undertaken in response to a petition from a customer for bill review, the executive officer shall conduct a hearing within 30 days of receipt of customer's petition for a hearing and shall issue a written decision within 14 days of the conclusion of the

hearing. Within 30 days of notification to the customer of the executive officer’s determination, the executive officer’s decision can be appealed by the customer to the Board of Directors, pursuant to the procedure in subsection (e) of this Regulation. In the event that adjustment of billed charges to a customer’s account results in a credit balance in the customer’s account and said credit balance is in excess of \$150, the District shall, at the request of the customer, issue a refund to the customer in the amount of the credit balance.

**(g) Annual Report on Number of Discontinuations of Residential Service**

The Water System shall report to the Board and shall post on the District’s Internet website the number of annual discontinuations of residential service for inability to pay.

**(h) Miscellaneous Provisions**

The provisions of Section 116916 of the Health and Safety Code shall apply to discontinuation of water service when there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

The provisions of Sections 116910 shall apply to discontinuation of water service in the event such discontinuation would be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises.

The provisions of Section 116914 shall apply to discontinuation of water service to a residential customer who demonstrates household income below 200 percent of the federal poverty level.

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Regulation 303: Adopted, December 18, 2019 (Ordinance 92-2019)