

EAST NILES COMMUNITY SERVICES DISTRICT'S
POLICY ON DISCONTINUATION OF WATER SERVICE
FOR NON-PAYMENT

EFFECTIVE FEBRUARY 1, 2020

Notwithstanding any other policy, rule, or ordinance of the East Niles Community Services District (“District”), this Policy on Discontinuation of Water Service for Non-Payment (“Policy”) shall apply to the discontinuation of residential water service for non-payment. In the event of any conflict between this Policy and any other policy, rule or ordinance, this Policy shall prevail.

DELINQUENCY:

All charges for residential water furnished by the District are due and payable when billed and become delinquent if not paid within twenty (20) days from the date the bill is mailed. Upon becoming delinquent, a late charge of \$5.00 will be assessed on unpaid amounts. Typically, this notice of an outstanding balance and levying of the late charge will be on the flowing month’s bill for service. Those customers who have entered into payment arrangements prior to the next billing will not be assessed a delinquent fee on amounts subsequently paid according to the arrangement terms.

DISCONTINUATION OF SERVICE:

The District will not discontinue residential water service for non-payment until payment by the customer has been delinquent for at least sixty (60) days. Prior to the District discontinuing water service, the following notices will be provided or attempted:

1. MAILED NOTICE OF DISCONTINUATION (15 days prior to shutoff/45 days after delinquent):

If payment has not been received within forty-five (45) days of becoming delinquent, a notice will be mailed to the customer at the address where service is provided. If the customer’s billing address is different from the service address, the notice will be sent to the billing address as well as to the address of the property to which residential service is provided, and addressed as “Occupant.” The notice shall include, but is not limited to, all of the following information:

- a. Customer's name and address;
- b. The amount that is past due;
- c. Date by which payment or payment arrangements are required to avoid discontinuation of service;
- d. Description of the process to apply for an extension of time to pay the delinquent charges;
- e. Description of the process to dispute or appeal a bill;

- f. A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges; and
 - g. District phone number and a web link to the District's written collection policy.
2. 48-HOUR SHUT-OFF NOTICE (by phone and/or door hanger with copy of this Policy):

In addition to the Notice of Discontinuance, the District will provide a 48-Hour Shut-Off Notice advising of the impending termination of water service at least forty-eight (48) hours in advance of the termination of service. This 48-Hour Shut-Off Notice will be by door hanger and/or via phone call to the telephone number on record, and will notify the customer that service will be discontinued if payment is not received by a specific date.

If the District is unable to make contact with the customer or an adult occupying the residence by telephone, the District shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and the District's policy for discontinuation of residential service for nonpayment.

All delinquent water service charges and associated fees must be received by the District by 2:00 p.m. on the day specified in the written 48-Hour Shut-Off Notice. If payment has not been received within the time stated in the 48-Hour Shut-Off Notice, water service will be discontinued and will not be turned back on until payment of all past due fees and charges, including any reconnection fees, has been made in full or alternative arrangements have been made pursuant to this Policy.

ALTERNATIVE PAYMENT PLANS:

Any customer who is unable to pay for water service within the normal payment period may request, in writing, an alternative payment arrangement to avoid late fees or disruption of service. The District will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted.

DISPUTED BILLS OR APPEALS:

To dispute a bill or seek an appeal, the customer should then file a formal complaint in writing and clearly state the reasons and all supporting facts for the appeal. Any written appeal should be provided to the District at:

East Niles Community Services District
7443 Niles Street
Bakersfield, CA 93306
(661) 871-2011
Office Hours M-F Monday 8:30 AM - 5:00 PM (excluding holidays)

CIRCUMSTANCES WHERE THE DISTRICT WILL NOT DISCONTINUE SERVICE:

Notwithstanding the foregoing, the District will not discontinue residential service for nonpayment if all of the following conditions are met:

1. The customer, or a tenant of the customer, submits to the District the certification of a primary care provider that discontinuation of residential service will be life-threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.¹
2. The customer demonstrates that he or she is financially unable to pay for residential service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the District's normal billing cycle if 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 the customer declares that the household's annual income is less than 200% of the federal poverty level.
3. The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with this Policy.

If all of these three conditions are met, the customer may request that the delinquent charges be amortized over a period of twelve (12) months. The burden of proving compliance with the three conditions described above is on the customer. Upon receipt of documentation alleging compliance with the three conditions, the District General Manager shall review that documentation and make a determination of compliance within seven (7) business days of submittal to either request additional information or accept or deny the request.

Exceptions to this Policy deemed worthy and appropriate may be granted on a case-by-case basis by the General Manager or the General Manager's designate.

¹ "Primary care provider" is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Welfare and Institutions Code Section 14088(b)(1) as either of (A) Any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or any primary care clinic, rural health clinic, community clinic or hospital outpatient clinic currently enrolled in the Medi-Cal program, which agrees to provide case management to Medi-Cal beneficiaries OR (B) A county or other political subdivision that employs, operates, or contracts with, any of the primary care providers listed in subparagraph (A), and that agrees to use that primary care provider for the purposes of contracting under this article.

FAILURE TO COMPLY WITH AMORTIZATION PLAN:

If the customer fails to comply with the amortization agreement for delinquent charges, OR while undertaking an amortization agreement for delinquent charges, and the customer does not pay his or her current residential service charges for sixty (60) days or more, residential service will be discontinued no sooner than five (5) business days after the District posts a 5-Day Final Notice of intent to disconnect service in a prominent and conspicuous location at the property. All past due charges, including amounts previously amortized, must be paid to prevent discontinuation of service after posting of a five- (5-) day notice.

In the event that the District discontinues residential service for nonpayment, it will provide the customer with information on how to restore residential service.

RE-ESTABLISHMENT OF SERVICE:

Subject to any contrary provisions in this Policy, where service has been discontinued for violation of rules or for nonpayment of bills, the District will charge the fees stated below for reconnection of service:

Service Reinstatement Charge (Regular Hours)	\$25.00*
Service Reinstatement Charge (After Hours)	\$75.00*

** If the actual cost of reinstatement is less than the amounts above, the lesser amount will be invoiced and charged.*

In addition to the Service Reinstatement Fee, if a deposit is not already on file, a deposit shall be paid. The District will make every effort to make the reconnection of service on the day of the request or the following workday. Request for service must be made prior to 2:00 p.m. of the day restored service is desired. Requests made after 2:00 p.m. will be handled the next business day.

Water service that is turned on by any person other than District personnel or without District authorization may be subject to fines or additional charges or fees, as well as criminal prosecution for the theft of water. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.

RETURNED CHECK CHARGES:

If a check is received for payment of District fees, rates or charges and payment for the check is declined by the bank upon which it is drawn, for whatever reason, the customer will be charged the amount payable to cover the returned check, the actual NSF bank fees assessed to the District, and a Returned Check Charge of \$25.00. Payment to cover these charges must be made in cash or with certified funds.

WATER THEFT:

California law, including but not limited to Penal Code sections 498, 624 and 625, define various methods of water theft. In the event that a suspected water theft is discovered, District personnel will contact law enforcement personnel. Water theft can result in the District pressing charges.

LANDLORD-TENANT SITUATIONS:

Where the District furnishes individually metered residential service 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 the dwelling, structure, or park is the customer of record, the District will make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account so long as the tenant provides verification of tenancy in the form of a rental agreement or proof of rent payments.

For multi-unit complexes with a master meter, the District is not required to make service 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 District's rules and regulations. 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 District, or if there is a physical means legally available to the District of selectively terminating service to those residential occupants who have not met the requirements of the District's rules and regulations, the District will make service available to those residential occupants who have met those requirements.

Before receiving service, each tenant applicant for a metered connection will be required to make a cash deposit to secure payment of his water bills as required by District Policy.

In the case of a detached single-family dwelling, the District may require an occupant who becomes a customer 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.

REPORTING OF DISCONTINUATIONS:

The District will report the number of total annual discontinuations of residential service for inability to pay to the District Board of Directors and will post on the District's website.

CUSTOMER QUESTIONS OR COMPLAINTS:

Questions regarding this policy should be made to the District at:

East Niles Community Services District
7443 Niles Street
Bakersfield, CA 93306
(661) 871-2011
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Should Customer Accounts staff be unable to satisfy a customer's billing complaint, the customer may file a complaint with the General Manager. Should the General Manager be unable to satisfy the customer's complaint, the customer may file a complaint with the Board of Directors by submitting the complaint in writing. The decision of the Board of Directors shall be final.