

**CITY OF KINGSBURG  
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 ordinance, policy, or rule of the City, this Policy shall prevail.

I. Application of Policy; Contact Telephone Number: This Policy shall apply only to residential water service for non-payment. This Policy does not apply to other City utilities.

The City's existing policies and procedures shall continue to apply to commercial and industrial water service accounts. The City can be reached at (559) 897-5821 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. Issuance, Due Date, and Payment of Bills: Bills for water service are sent to each consumer at the beginning of each month. The bill for water service will show the previous and current read dates for the service period being billed in the billing cycle. Payments are due on or before the date set in the water bill (the "**Due Date**") in which payments are mailed. Payment may be made at the City's Finance Department located at 1401 Draper Street, Kingsburg, CA 93631 or on the City's utility payment website at [www.cityofkingsburg-ca.gov](http://www.cityofkingsburg-ca.gov). However, it is the consumer's responsibility to assure that payments are received at the City's Finance Department in a timely manner. 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 issued, the number of units, date, and days of service for the current meter reading.

B. Overdue Bills: The following rules apply to consumers whose bills remain unpaid for more than sixty (60) days following the Due Date:

1. Small Balance Accounts: If less than \$40.00 remains unpaid on any billing, it shall be carried over and added to the next billing period.
2. Urgent-Final Notice: If payment for a bill is not made by the Due Date, a notice of overdue/delinquent payment (the "Urgent-Final Notice") will be mailed to the water service consumer. The consumer has seven (7) business days after receipt of the Urgent-Final Notice to pay the overdue/delinquent amount prior to discontinuation of service date identified in the Urgent-Final Notice. If the consumer's address is

not the address of the property to which the service is provide, the Urgent-Final Notice will

also be sent to the address of the property served, addressed to "Occupant."

The Delinquent Notice must contain the following:

- a) Water service consumer's name and address.
- b) Amount of delinquency.
- c) Date by which payment or arrangement for payment must be made in order to avoid discontinuation of service.
- d) Description of the process to apply for an extension of time to pay the amount owing (see Section III(D), below).
- e) Description of the procedure to petition for review and appeal of the bill giving rise to the delinquency (see Section IV, below); and
- f) Description of the procedure by which the consumer can request a deferred, amortized, reduced or alternative payment schedule (see Section III, below).

The City may alternatively provide notice to the consumer of the impending discontinuation of service by telephone. If that notice is provided by telephone, the City shall offer to provide the consumer with a copy of this Policy and also offer to discuss with the consumer the options for alternative payments, as described in Section III, below, and the procedures for review and appeal of the consumer's bill, as described in Section IV below.

2. Unable to Contact Consumer: If the City is not able to contact the consumer by written notice (e.g., a mailed notice is returned as undeliverable) or by telephone, the City 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.

3. Late Charge: A 10% late charge, identified in the Urgent-Final Notice will be assessed on any unpaid balance after the due date, as specified in the City's fees and charges, this fee shall be assessed and added to the outstanding balance on the consumer's account.

4. Turn-Off Deadline: Payment for water service charges must be received at City's Finance Department no later than 5:00 PM on the date specified in the Urgent-Final Notice. Postmarks are not acceptable.

5. Notification of Returned Check: Upon receipt of a returned check rendered as payment for water service or other water-related charges identified in the Urgent-Final Notice, the City will deem the account not paid. The City will notify the consumer by sending a NSF written notice of payment due by the end of the sixty (60) day period identified in the

Urgent-Final Notice or water service will be discontinued at the consumer's property. Water service will be discontinued if the amount of the returned check and returned check fee are not paid by the due date specified on the NSF written notice, which due date shall not be sooner than the date specified for payment in the Urgent-Final Notice. All amounts owing must be paid by cash, credit card, debit card, money order, or cashier's check.

C. Conditions Prohibiting Discontinuation: The City shall not discontinue residential water service if all of the following conditions are met:

1. Health Conditions - The consumer or tenant of the consumer submits certification of a 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 - The consumer demonstrates he or she is financially unable to pay for water service within the water system's normal billing cycle. The consumer is deemed "financially unable to pay" if any member of the consumer's household is: (i) a current recipient of one of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the consumer declares the household's annual income is less than 200% of the federal poverty level; and

3. Alternative Payment Arrangements - The consumer is willing to enter into an amortization agreement, alternative payment schedule or a plan for deferred or reduced payment, consistent with the provisions of Section III, below.

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 consumer. In order to allow the City sufficient time to process any request for assistance by a consumer, the consumer is encouraged to provide the City with the necessary documentation demonstrating the medical issues identified in Subdivision (C)(1), above, financial inability identified in Subdivision (C)(2), above and willingness to enter into any alternative payment arrangement identified in Subdivision (C)(3), above, as far in advance of any proposed date for discontinuation of service as possible.

Upon receipt of such documentation, the City's Finance Director or his or her designee, shall review that documentation and respond to the consumer within three (3) business days or to notify the consumer that additional information is necessary or to notify consumer of the payment option.

Consumers who fail to meet the conditions identified in Subdivision (C), above, must pay the delinquent amount, including any late charges and other charges, owing to the City within the latter to occur of: (i) three ( 3) business days after the date of

notification from the City of the City's determination the consumer failed to meet those conditions; or (ii) the date of the impending service discontinuation, as specified in the Urgent-Final Notice, whichever is later.

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

1. Service Reactivation for Non-Payment Fees: If service has been discontinued and is to be reconnected, then any reconnection fees during the City's normal operating hours cannot exceed \$25.00. For the reconnection of service during the City's non-operational hours, the reconnection fee cannot exceed \$100.00. Those fees cannot exceed the actual cost of reconnection if that cost is less than the statutory caps for reconnection fees. Those statutory caps may be adjusted annually for changes in the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose, annually beginning January 1, 2021.

2. Interest Waive: The City shall not impose any interest charges on delinquent bills.

### III. Alternative Payment Arrangements:

For any consumer who meets the three conditions under Section II(C), above, in accordance with the process set forth in Section II(D), above, the City shall offer the consumer one of the following alternative payment arrangements, selected by the City:

- (i) alternative payment schedule under Subdivision (A), below.
- (ii) temporary deferral of payment under Subdivision (B), below.

The Finance 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 consumer and taking into consideration the consumer's financial situation.

A. Alternative Payment Schedule: Any consumer 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 shall confirm, may, if the City has selected this alternative, enter into an alternative payment schedule for the unpaid balance in accordance with the following:

- 1. Repayment Period: The consumer shall pay the unpaid balance, with the administrative fee as specified in Subdivision (2), below, over a

period not to exceed twelve (12) months, as determined by the City's Finance Director or his or her designee; provided, however, that the City's Finance 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 consumer.

2. Administrative Fee: For any approved alternative payment schedule, the consumer will be charged an administrative fee, in the amount established by the City by resolution from time to time, representing the cost to the City of initiating and administering the schedule.

3. Schedule: After consulting with the consumer and considering the consumer's financial limitations, the City's Finance Director or his or her designee shall develop an alternative payment schedule to be agreed upon with the consumer. That alternative schedule may provide for periodic lump sum payments that do not coincide with the City's established monthly water service 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 administrative 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, signed by the City's Finance Director or his or her designee and the consumer and be provided to the consumer.

4. Compliance with Plan: The consumer must comply with the agreed upon repayment plan schedule and remain current with the payment with all water service charges due in each subsequent billing period. The consumer 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 consumer fails to comply with the terms of the agreed upon schedule for sixty (60) calendar days or more, or fails to pay the consumer's current water service charges for sixty (60) calendar days or more, the City may discontinue water service to the consumer's property five (5) business days after the City posts at the consumer's property a final notice of its intent to discontinue service.

B. Temporary Deferral of Payment Any consumer 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 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 date the unpaid balance became delinquent. The City shall determine how long of a deferral shall be provided to the consumer.

1. Repayment Period: The consumer shall pay the unpaid balance by the deferral date (the "Deferred Payment Date") determined by the City's Finance Director or his or her designee. The Deferral Payment Date shall be within six (6) months after the date the unpaid balance became delinquent; provided, however, that the City's Finance Director or his or her designee, in their reasonable discretion, may establish a Deferred Payment Date beyond that six (6) month period to avoid undue hardship on the consumer.

2. Compliance with Reduced Payment Plan Date: The consumer must

pay the reduced balance on or before the Deferred Payment Date and must remain current with the payment of all water service charges due in each subsequent billing period. If the consumer fails to pay the unpaid payment amount within sixty (60) calendar days after the Deferred Payment Date, or fails to pay the consumer's current water service charges for sixty (60) calendar days or more, the City may discontinue water service to the consumer's property at five (5) business days after the City posts at the consumer's property a final notice of its intent to discontinue service.

IV. Appeals:

The procedure to be used to appeal the amount set forth in any bill for residential water service is as follows:

A. Initial Appeal: Within ten (10) days after receipt of a bill for water service, the consumer has a right to initiate an appeal or review of any bill or charge rendered by the City. Such request must be made in writing and be delivered to City's Finance Department. For so long as the consumer's appeal and any resulting investigation is pending, the City cannot discontinue water service to the consumer.

B. Overdue Notice Appeal: Any consumer who receives an Urgent-Final Notice may request an appeal or review of the bill to which the Urgent-Final Notice relates if the consumer alleges the bill is in error with respect to the quantity of water consumption set forth on that bill or the amount billed. Provided, however, that no such appeal or review rights shall apply to any bill for which an appeal or request for review under Subsection A, above, has been made. Any appeal or request for review under this Subsection B must be in writing and must include documentation supporting the appeal or the reason for the review. The request for an appeal or review must be delivered to the City's Finance Department within that five (5) business day period after the consumer's receipt of the Urgent-Final Notice. For so long as the consumer's appeal and any resulting investigation is pending, the City cannot discontinue water service to the consumer.

C. Appeal Hearing: Following receipt of a request for an appeal or review under Subsections A or B, above, a hearing date and time shall be promptly set before the Finance Director or his or her designee (the "Hearing Officer"). After evaluation of the evidence provided by the consumer and the information on file with the City concerning the water charges in question, the Hearing Officer shall issue a decision as to the accuracy of the water charges set forth on the bill or Urgent-Final Notice and shall provide the appealing consumer with a brief written summary of the decision.

1. If water charges are determined to be incorrect, the City will provide a corrected invoice and payment of the revised charges will be due within ten (10) calendar days after the consumer's receipt of the corrected invoice. 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 shall provide the consumer with the Urgent-Final Notice in accordance with Section II(B)(2), above and the procedures described therein.

(a) If the water charges in question are determined to correct, the water charges shown on the bill for water service or the Urgent-Final Notice must be paid by the consumer within three (3) business days after the consumer's receipt of the Hearing Officer's decision. At the time the Hearing Officer's decision is rendered, the consumer will be advised of the

right to further appeal before the City Council. Any such appeal must be filed in writing within seven (7) calendar days after the Hearing Officer's decision is received by the consumer if the appeal or review is an initial appeal under Subdivision A above, or within three (3) business days if the appeal or review is an Urgent-Final Notice appeal under Subdivision B, above. The appeal hearing will occur at the next regular meeting of the City Council, unless the consumer and City agree to a later date.

(b) For an initial appeal under Subdivision A, above, if the consumer does not timely appeal to the City Council, the water charges in question shall be immediately due and payable. In the event the charges are not paid in full within sixty (60) calendar days after the original billing date, then the City shall provide the consumer with an Urgent-Final Notice in accordance with Section II(B)(2), above and proceed accordingly.

(c) For an Urgent-Final Notice appeal under Subdivision B, above, if the consumer does not timely appeal to the City Council, then water service to the consumer's property may be discontinued on written or telephonic notice to the consumer to be given at least twenty-four (24) hours after the latter to occur of: (i) expiration of the original sixty (60) calendar day notice period set forth in the Urgent-Final Notice; or (ii) the expiration of the appeal period.

2. When a hearing before the City Council is requested, such request shall be made in writing and delivered to the City's Finance Department in accordance with Section C (2) above. The consumer will be required to personally appear before the City Council and present evidence and reasons as to why the water charges on the bill in question are not accurate. The City Council shall evaluate the evidence presented by the consumer, as well as the information on file with the City concerning the water charges in question and make a decision as to the accuracy of said charges.

(a) If the City Council finds the water charges in question are incorrect, the consumer will be invoiced for the revised charges. If the revised charges remain unpaid for more than sixty (60) calendar days after the corrected invoice is received by the consumer, water service will be disconnected, on the next regular working day after expiration of said sixty (60) calendar day period; provided that the City shall provide the consumer with the Overdue Notice in accordance with Section II(B)(2), above. Water service will be restored only after outstanding water charges and any and all applicable reconnection charges are paid in full.

(b) If the water charges in question are determined to be correct, the water charges are due and payable within three (3) business days after the decision of the City Council is rendered, or sixty (60) calendar days after the original Due Date, whichever is later. If an Urgent-Final Notice has not already been provided, the City shall provide the consumer the Urgent-Final Notice in accordance with Section II(B)(2), above, and may proceed accordingly.

(c) Any overcharges will be reflected as a credit on the next regular

bill to the consumer.

(d) Water service to any consumer shall not be discontinued at any time during which the consumer's appeal to the City or its City Council is pending.

(e) The City Council's decision is final and binding.

V. Restoration of Service:

In order to resume or continue water service that has been discontinued by the City due to non-payment, the consumer must pay a Service Reactivation for Non-Payment Fee established by resolution of the City Council, subject to the limitation set forth in Section II(E)(I ), above. The City will endeavor to make such reconnection as soon as practicable as a convenience to the consumer. The City shall make the reconnection no later than the end of the next regular working day following the consumer's request and payment of any applicable Reconnection Fee.

VI. Notice Regarding Language:

This Policy and notices required under SB 998 shall be made available in English, Spanish, the languages listed in California Civil Code 1632 and any other language spoken by ten (10) percent or more of the customers in the City's service area.

VII. Unauthorized Action of a Consumer:

This Policy does not apply to the termination of a service connection by the City due to an unauthorized action of a consumer.