

Majestic Pines Community Services District

Name: _____ Amount Past Due
Address: _____ Date of Lock off

DISCONTINUANCE OF WATER SERVICE

Policy:

Majestic Pines CSD (District) will discontinue water service to customers who fail to pay in accordance with its Policies and Procedures and this Discontinuance of Water Service policy (Policy).

Purpose:

This Policy has been established to adhere to laws regarding the discontinuance of water service for nonpayment under Government Code § 60371 et seq. and the Water Shutoff Protection Act (SB 998).

Scope:

This Policy governs all water service bills calculated and sent by the District that are in a delinquent status and scheduled for discontinuance. This Policy is intended to supplement the provisions of Section 5 of the District's Policies and Procedures. To the extent this Policy conflicts with any provisions of the Policies and Procedures, the Policies and Procedures shall prevail.

Delinquent Accounts:

Water charges are billed bimonthly and payable to the District on receipt. Any bill not paid within 15 days of the Billing Date printed on the bill is considered delinquent.

A. Late Fee:

If payment for a bill is not received by the 24th day after the Billing Date, a late fee will be assessed on the 25th day in accordance with the District Policies and Procedures. Any balance on a bill less than \$20 will not receive a late fee and such amount will carry over to the next bill.

B. Discontinuance Notice and Fee:

If the past due balance is not paid by the 65th day after the Billing Date, a bill past due notice (this notice) will be mailed to the owner and hand delivered to the residential address. A notification fee will be charged. The notice will include: the current amount past due, the date by which payment or arrangements for payment are required to avoid discontinuation of service, the procedure to request a payment arrangement to avoid discontinuance of service, and the procedure to appeal a bill.

C. Notice to Residential Tenants/Occupants:

The written notice delivered to the residential address will notify any tenant or occupant that the account is in arrears, service will be terminated on the date stated in the notice, and the occupants may be able to become customers of the District without being required to pay the amount due on the delinquent account in accordance with this Policy.

D. Discontinuance and Fee:

If the past due amount is not paid by the 75th day after the Billing Date and no other arrangement has been made, the account will be subject to discontinuance on or after the 76th day and a lockoff fee will be charged. The District will discontinue water service by turning off and/or locking off the meter.

E. Restoration of Service:

In order to resume service that has been discontinued for nonpayment, the customer must pay all outstanding charges on the account and a deposit, if necessary. Once all charges and the deposit have been paid, the District will restore water service as soon as possible but at a minimum, will restore service by the end of the business day as long as the payment/deposit has been received by 3:00pm Monday-Friday (excluding holidays). Otherwise, service will be turned on the following business day.

Water service may be restored during regular business hours after payment has been made in full in one of the following ways: (1) in person at the District office drop box (1405 Banner Road) by check or money order; or (2) online (www.MajesticPinesCSD.org) and verified by District staff. If the account has not been paid and/or water is turned on by any person other than District staff without

District authorization, the account will be subject to additional charges and fees in accordance with District Policies and Procedures. Any damage that occurs as a result of unauthorized restoration of service is the responsibility of the owner of the property and may be subject to recovery by the District.

F. After Hours Restoration:

Services restored after 3:00pm Monday-Friday, or on weekends or holidays will be charged an after-hours fee as per the District's Policies and Procedures. All outstanding charges and the deposit, if any, will need to be paid. Service will not be restored after regular business hours unless the customer has been informed of the after-hours fee and has signed an agreement acknowledging the fee. District staff responding to after-hours calls are not permitted to collect payments or cash. Payments must be made in one of the ways listed in the preceding section prior to staff responding to the call.

G. Returned Payments for Previously Discontinued Services:

If a customer's attempted payment for restoration of water service is returned by their financial institution on an account that was previously discontinued for nonpayment and the District restored service, the District may promptly discontinue service without any further notice.

H. Payment Arrangements:

District customers may request a payment arrangement, which may include an extension, amortization of the unpaid balance or an alternative payment schedule, if requested prior to the 75th day after the Billing Date. The District will consider all circumstances surrounding the request and make a determination as to whether the arrangement is warranted. Requests may be made by phone or in writing. An account history of water service lockoffs or returned checks in the last twelve (12) months is disqualifying. The District will choose which arrangement, if any, is available and set the repayment terms. Repayment terms will not normally exceed twelve (12) months. The District will not discontinue service while a customer remains in compliance with a District approved payment arrangement. In addition, all subsequent bills must be kept current while the arrangement is in effect.

If a customer has been granted a payment arrangement under this section and fails to pay the charges due under the arrangement for at least sixty (60) days, or fails to pay current charges for at least sixty (60) days, the District may terminate water service after posting a final notice of intent to disconnect service in a conspicuous location at the service address at least five (5) business days before discontinuance. A notification fee will be charged. The final notice will not entitle the customer to any investigation or review by the District. If a customer fails to comply with a payment arrangement, no future arrangements will be granted under this section for three (3) years.

I. Payment Arrangements for Customers with Special Medical and Financial Circumstances:

For customers who meet all three of the following requirements, the District will offer a payment arrangement:

- 1) The customer or a tenant submits certification from a licensed primary care provider that discontinuance of water service would be life threatening or pose a serious threat to the health and safety of a resident of the service address;
and
- 2) The customer is unable to pay within the normal payment period. This can be shown by either: (a) demonstrating that someone in the household is a recipient of one of the following programs: 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 (b) declaring under penalty of perjury that household income is less than 200% of the federal poverty level;
and
- 3) The customer is willing to enter into a District approved payment arrangement.

For customers who meet the above conditions, the District will offer an extension, amortization of the unpaid balance or an alternative payment schedule. The payment arrangement selected, and its terms, will be selected by the District at its discretion. Repayment terms will not normally exceed twelve (12) months.

The customer is responsible for showing that the above conditions have been met. Upon receipt of written documentation from the customer, the District will review the documentation within seven (7) days and either: (a) notify the customer of the payment arrangement selected by the District and request the customer sign a consent form to participate in that arrangement; (b) request additional information from the customer; or (c) notify the customer that the above conditions have not been met.

If a customer has been granted a payment arrangement under this section and fails to pay the charges due under the arrangement for at least sixty (60) days, or fails to pay current charges for at least sixty (60) days, the District may terminate water service after posting a final notice of intent to disconnect service in a conspicuous location at the service address at least five (5) business days before discontinuance. A notification fee will be charged. The final notice will not entitle the customer to any investigation or review

by the District. If a customer fails to fulfill the requirements of the payment arrangement, no future payment arrangements will be granted under this section for a period of three (3) years.

J. Appealed Bills:

A customer desiring to contest the validity or accuracy of a bill shall call or write the District's General Manager within 30 days of the Billing Date of the bill in question. The request must state the reasons for the complaint and/or the basis for contesting the validity of the charges. Bills 31 or more days past the Billing Date will be assumed to be accurate and accepted by the customer.

After receiving the results of the investigation, the customer may appeal the decision of the General Manager to the Board of Directors by submitting a written request to the Board Secretary within 7 days of the General Manager's decision. The written request should state the grounds for the appeal and include any relevant documents or evidence.

The District will not discontinue water service for nonpayment while an appeal is pending. While under review, the account will not incur late fees or penalties until the review has been completed and the results reported to the customer. Any decision by the Board of Directors is final.

K. Procedures for Occupants or Tenants to Become Account Customer:

This section applies only to landlord-tenant situations where the property owner, manager, or operator of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue water service due to nonpayment. The District will make service available to the occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the District's Policies and Procedures.

To be eligible to become a customer without paying the delinquent amount, the occupant must verify that the delinquent account customer of record is or was the landlord, property manager, or legal agent of the dwelling. Verification includes a copy of a lease or rental agreement and current rent payment receipts indicating the occupant is a tenant renting the property, or other documents at the discretion of the District. A deposit for setting up a new account will be required in advance. Tenants cannot set up an account if the lease agreement states that the tenant is to pay the water bill, and that failure is the reason the account is delinquent.

L. Other Provisions:

In addition to discontinuance of water service, the District may pursue any other remedies available for nonpayment of water service charges including, but not limited to, securing delinquent amounts by filing liens on real property, filing a claim or legal action, or referring the unpaid amount to a collection agent. The District also reserves the right to discontinue water service for any violation of District Policies and Procedures other than for nonpayment.

N. Contact Information:

For customer questions or assistance regarding a water bill, the District's Customer Service staff can be reached at 760-765-0532, Monday-Friday, 8:00am – 3:00pm, excluding holidays.