

City of Del Mar
Administrative Policies and Procedures

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I. PURPOSE

This policy has been established to adhere to the laws regarding discontinuation of water service for residential customers due to non-payment of their water bill as set forth by Government Code Section 60370 et seq. and Health & Safety Code Section 116900 et seq. (California Senate Bill 998).

II. SCOPE

This policy governs all residential water service bills calculated and delivered by the City that are in a delinquent status and scheduled for discontinuation.

III. PROCEDURE

1. Delinquent Accounts

1.1. Water service charges are payable to the City once every two months or at such other frequency as determined by the City. All bills for water service are due on the 5th day of the following month after bill date, which is no less than 19 days from the date of mailing. Any bills not paid within such period are considered delinquent and assessed a 10% late fee. Once the bill is received, payment arrangements may be requested up until the time of discontinuation on the 60th day after the bill due date (see section 2 for these alternatives).

1.2. After an account becomes delinquent, the following will occur:

A. On the day after the due date, a reminder notice is mailed to the customer of record. This notice will indicate that payment is delinquent, and that the City assessed a late fee.

B. On the 15th day after the bill due date, a second notice attempt will be performed based on the phone number(s) and emails on file informing the customer that their account is in a delinquent status and that the customer may request a copy of this policy.

C. On the 30th day after the bill due date, a notice is hand delivered to the service address informing the occupant(s) that service will be discontinued in 30 days due to non-payment of the water bill and a \$25 door hanger fee is assessed to the account.

D. On the 45th day after the bill due date, a phone call and or email is sent to the phone number(s) and emails on file informing the customer that their account is still in a delinquent status and the water service will be discontinued if it remains unpaid.

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E. If the City is unable to contact the customer by phone, an urgent notice will be posted again at the property on the 53rd day after the bill due date with a copy of this Policy, and a \$25 door hanger fee is assessed to the account.

F. On the 60th day after the bill date, the City will discontinue water service for non-payment.

2. Circumstances Under Which Water Service Will Not Be Discontinued

2.1 The City will not discontinue service while a customer's payment is under a City-approved payment arrangement, and the customer remains in compliance with the approved payment arrangement. Prior to the 60th day after the bill due date, the City may approve a payment arrangement for an outstanding balance with a requirement that all subsequent water bills must be kept current while the payment arrangement is in effect. If a customer defaults on a City-approved payment arrangement or fails to pay subsequent water bills while the payment arrangement is in effect, the City may discontinue water service after posting a final notice of intent to discontinue service in a prominent and conspicuous location at the service address at least 5 business days before the discontinuation of service.

2.2 In addition, the City will not discontinue water service if all of the following conditions are met:

A. The customer, or a tenant of the customer, submits certification from a primary care provider that discontinuation of water service would be life threatening or pose a serious threat to the health and safety of a resident of the premises; AND

B. The customer is financially unable to pay within a normal billing cycle. This can be shown by either:

1) 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
- California Special Supplemental Nutrition Program for Women, Infants and Children

2) Or declaring under penalty of perjury that household income is less than 200% of the federal poverty level; AND

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C. The customer is willing to enter into a payment arrangement with respect to the delinquent charges.

For customers who meet all the above conditions, the City will offer a payment arrangement to the customer.

The customer is responsible for demonstrating that the above conditions have been met. Upon receipt of documentation from the customer, the City will review the documentation within 7 days and either: (1) request the customer’s signed assent to participate in the payment arrangement; (2) request additional information from the customer; or (3) notify the customer that he or she does not meet the above conditions.

The City may discontinue water service if a customer who has been granted a payment arrangement under this section fails to do any of the following for 60 days or more: (a) to make on-time payments for any amount due under the payment arrangement or (b) to make on-time payments for his or her current charges for water service. The City will post a final notice of intent to discontinue service in a prominent and conspicuous location at the service address at least 5 business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the City.

2.4 Disputing a Water Bill – Any customer desiring to initiate a complaint, or request an investigation concerning service or charges shown on a bill must do so within 10 days after receipt of the bill. For purposes of this section only, a bill shall be deemed received by a customer 10 days after mailing. Any such complaint or request must be in writing and filed with the Finance Department. The review will be conducted by the City Manager and include consideration of whether the customer may receive an extension or other payment arrangement satisfactory to the City. The City may, in its discretion, review untimely complaints or requests for investigation; however, such complaints or requests are not subject to appeal. While under review, the account will incur no late fees or penalties until the review is completed and the determination will be reported to the customer in writing.

2.5 Appeal of Determination – Any customer whose timely complaint or request for an investigation pursuant to Section 2.4 has resulted in an adverse determination by the City Manager may appeal the determination to the City Council by filing a written notice of appeal with the Administrative Services Director/City Clerk within 7 business days of the City’s mailing of its determination. Upon receiving the notice of appeal, the Administrative Services Director/City Clerk will set the matter to be heard at an upcoming Council Meeting and mail the customer written notice of the time and place of the hearing at least 10 days before the meeting. The decision of the Council shall be final. If the Council determines the customer’s claim is not justified, the full amount owed shall be paid within three (3) business days. If the Council determines that the customer’s complaint is valid, corrections will be made in the City office within 5 business days. The City will not discontinue water service while an appeal is pending.

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2.6 In a landlord-tenant situation where the City has issued a notice of intent to discontinue service for nonpayment, the occupants can apply for water service pursuant to Section 4 of this Policy.

3. Restoration of Water Service

3.1 Water service may be restored, with a fifty-dollar (\$50) reconnection fee, during regular business hours and actual costs of labor and vehicle (not to exceed \$150) for after-hours reconnection after payment is made in full in one of the following ways:

A. Payment is made at the City Office.

B. Payment is made online and a confirmation number is provided, and payment is verified by the City.

4. Procedures for Occupants or Tenants to Become Customers of the City

4.1 This Section only applies when a property owner, landlord, 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 for non-payment.

4.2 The City will make service available to the actual residential occupants if each occupant agrees to the terms and condition of service, including deposit requirements. However, if one or more occupants are willing to assume responsibility for 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 discontinuing service to occupants who have not met the requirements of the City's rules and regulations, the City shall make service available only to occupants who have met those requirements.

4.3 To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall 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, rental agreement, rent receipts, a government document indicating the occupant is renting the property, or information disclosed pursuant to section 1962 of the Civil Code, at the discretion of the City.

5. Other Provisions

5.1 In addition to discontinuation of water service, the City may pursue any other remedies available for non-payment 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 collections plus applicable fees.

5.2 The City reserves the right to discontinue water service for any violation of City policies, rules or regulations other than non-payment.

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IV. CONTACT INFORMATION

For customer questions or assistance regarding a water bill, the City's water utility division can be reached at (858) 755-9354, or at finance@delmar.ca.us. Customers may also visit the City Hall counter in person Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Fridays from 7:30 a.m. to 4:30 p.m., except on City holidays.