

3.1.8 Discontinuance of Service

3.1.8.1 Customer's Request for Discontinuance of Service.

Discontinuance of service may be made at any time during the year at the written request of the customer being provided such service provided the then account for service to such customer is current and is paid in full at the time of such request for discontinuance. The written request for such discontinuance shall be made by the customer upon a form of request for discontinuance of service to be provided by the District and in no other manner. Upon such requested discontinuance of service, the water meter serving the premises on which said discontinuance has been requested will be removed from said premises and the water service shut off at the water main serving such premises. A reinstatement or reconnection charge of Two Hundred Seventy-five Dollars (\$275.00) for a 5/8" x 3/4" meter, a full 3/4" meter or a 1" meter will be made and collected prior to reinstatement or renewing of service following a requested discontinuance of service.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 353, June 20, 2006.)

3.1.8.2 Non-Payment of Bills.

(a) Subject to the conditions in subsections (b), (c) and (d) below, if an account is not paid in full on or before the sixtieth (60th) day following the due date of the bill, service may be suspended for non-payment and a late payment penalty of Ninety Dollars (\$90.00) shall be charged and added to the water bill and collected prior to restoring the water service. Failure to receive a bill does not relieve the customer of liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable in an action in the name of the District in any court of competent jurisdiction for the amount thereof.

(b) Prior to disconnecting service for non-payment, the District must offer to the customer one or more of the following options:

- Amortization of the unpaid balance over a period of no greater than six (6) months.
- Participation in an alternative payment schedule.
- A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
- Temporary deferral of payment.

(c) If the customer fails to comply with an alternative payment arrangement for delinquent charges for 60 days or more, or if, while undertaking an alternative payment arrangement, the customer does not pay his or her current residential service charges for 60 days or more, water service can be discontinued by the District.

(d) Customers cannot be disconnected for non-payment if ALL of the following conditions are satisfied;

- A licensed primary care provider certifies that the discontinuation of water service will pose a serious or potentially fatal threat to a resident.
- The customer has the inability to pay based on the receipt of certain public assistance by someone in the household (CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, California Special Supplemental Nutrition Program for Women, Infants, and Children) or a declaration from the customer that the household is below 200 percent of the federal poverty level.
- The customer demonstrates inability to pay and customer is willing to enter into an alternate payment arrangement.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 350, March 28, 2006; amended by Res. 457, January 21, 2020.)

3.1.8.3 Ten Day Notice and Right to Contest.

At least ten (10) days prior to the suspension of a customer's water service for non-payment of a bill for water, the District shall notify the customer by means of a notice mailed, postage prepaid, to the customer to whom the service is billed. Such notice shall not be mailed earlier than nineteen (19) days from the date of mailing the District's bill for services, and the 10-day period shall not commence until five (5) days after the mailing of the notice. The mailed notice shall include all of the following information:

- (a) The name and address of the customer whose account is delinquent.
- (b) The amount of the delinquency.
- (c) The date by which payment or arrangements for payment is required in order to avoid the suspension of water service.
- (d) The procedure by which the customer may initiate a complaint or request

an investigation concerning service or charges.

(e) The procedure by which the customer may request amortization of the unpaid charges.

(f) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources.

(g) The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

If the District has not received payment prior to the time that the seven day notice is to be given (as is required under section 3.1.8.4) a hang notice and delinquency charge in the amount of \$15.00 or 7% of the unpaid balance on the customer's water bill, whichever is greater, will be added to the account. The day that such hang notice and delinquency charge will be added to the bill and the amount of the charge shall be included in the mailed notice. If the customer chooses to contest the decision to suspend service, the customer shall be given an opportunity to do so prior to the suspension of service at a hearing conducted by the General Manager of the District or his designee. (Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 350, March 28, 2006; amended by Res. 457, January 21, 2020.)

3.1.8.4 Seven Day Notice.

The District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least seven (7) days prior to any suspension of a customer's water service. Such seven-day notice shall include the items of information in section 3.1.8.3 (a), (b), (c), (f) and (g) above.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 457, January 21, 2020.)

3.1.8.5 Regular Business Hours.

Payments shall be received only at the District office during regular business hours, through the U. S. Postal Service or in the mail drop provided for after hours payments at the District office. District personnel are not authorized to receive payments in the field, and water service shall be restored only during regular business hours unless prior arrangements are made with the District office.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.6 Collection By Suit.

All unpaid rates and charges and penalties herein provided may be collected by suit and defendant shall pay all costs of suit in any judgment rendered in favor of the District.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.7 Returned Checks.

If a customer's check in payment of the customer's account is not honored for any reason whatsoever by the customer's bank and cannot be redeposited, the amount of said check, plus a Returned Check Service Fee of Thirty Five Dollars (\$35.00) shall be charged to the customer's account and the customer shall be given a notice to remit payment in cash, a cashier's check or a money order within five (5) days. If such payment is not made within the five (5) day period, the water service shall be suspended for non-payment in accordance with section 3.1.8.2 above until the entire amount past due has been paid. Payment of any applicable penalty charges must also be in the form of cash, cashier's check or money order.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989; amended by Res. 312, Section 1, February 16, 1999; amended by Res. 457, January 21, 2020.)

3.1.8.8 Unsafe Apparatus and Cross-Connections.

Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of these Rules and Regulation or of any State Health Department Standards.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.9 Fraud or Abuse.

Water service may be discontinued if necessary to protect the District against fraud or abuse.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.10 Non-Compliance.

Water service may be discontinued for non-compliance with any of the District's Rules and Regulations for water service.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.11 Recording Lien.

When a statement of delinquent charges and all penalties and other charges which have accrued thereon has been prepared as provided herein, such statement shall be recorded and after it has been recorded, the same shall constitute a lien upon the real property receiving or to receive the service, excepting publicly owned property. Such lien shall continue until the charges and all penalties thereon have been fully paid or the property subject thereto has been sold to satisfy the lien. The minimum charge shall continue to accrue during the period of non-payment. The statement shall contain the County Assessor's Parcel Number of the property served, the property owner's name and last known mailing address, the amount of the charges and penalties accrued to the date of recording and the section of the State Water Code granting authority for filing such lien. The statement shall be executed by the General Manager of the District and his signature shall be acknowledged. The statement shall be filed with the County Recorder of San Bernardino County, California and shall have the same force, effect, priority and duration of an abstract of judgment against the owner of the real property and may be enforced in like manner.

(Res. 200, March 11, 1982; amended by Res. 245, January 19, 1989.)

3.1.8.12 Discontinuance of Service to Multi-Unit Structures and Mobilehome Parks.

Whenever the District provides water service through a master meter to a multi-unit residential structure or mobilehome park and the customer of record for such service fails to timely pay for service, the District may discontinue such service in accordance with the provisions of this Section 3.1.8; provided, however, that the District shall also make every good faith effort to inform the actual users of the service, when the account is in arrears, by means of a notice, that service will be terminated in ten (10) days. The notice shall further inform the actual users that they have the right to arrange for continued water service from the District without being required to pay the amount due on the delinquent account if one or more of the actual users are willing and able to assume responsibility for the entire account, to the satisfaction of the District. At a minimum, the District shall require (1) the agreement of the actual user or users to comply with all District Rules and Regulations for Water Service, and (2) a deposit equal to the amount of two month's average billing for such service, as such amount is determined by the District, or demonstrate to the satisfaction of the District General Manager, or his designee, that such actual user or users have the ability to timely pay the average monthly bill for such service.

(Res. 200, March 11, 1982; amended by Res. 276, September 24, 1992.)