

**CITY OF BENICIA
WATER SHUT OFF POLICY FOR
NON-PAYMENT OF WATER SERVICE**

This Water Shut Off Policy for Non-Payment of Water Service shall apply to the City's discontinuation of water service for non-payment under the provisions set forth herein.

This policy is intended to comply with all requirements of California bill SB 998, the Water Shutoff Protection Act, which applies only to residential customers. SB 998 does not apply to Commercial and Industrial customers, but the City is electing to have the same set of rules for all classes of customers. The policies contained within this document apply to all residential customers, along with Commercial and Industrial customers.

- 1) Application of Policy; Contact Telephone Number: The Policy shall apply to residential, commercial and industrial water service. The City can be reached at (707) 746-4225 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.
- 2) Discontinuation of Water Service for Non-Payment:
 - a) Issuance, Due Date, and Payment of Bills: Bills for water service are sent to each account holder within 30 days of reading the meter. Payments are due on or before the date set in the water bill (the "**Due Date**").
 - i) Payment may be made through the following methods:
 - (1) On the City's utility payment website at www.ci.benicia.ca.us/utilitybilling
 - (2) By mailing payment to the City's lockbox processing address on the bill
 - (3) In person at the Finance Department located at City Hall, 250 East L Street, during regularly scheduled hours posted on the City's website and City Hall front door.
 - (4) In the water utility payment drop box in front of City Hall. Payments submitted to the drop box after 7:30am will be posted the following business day.

It is the account holder's responsibility to ensure that payments are received by the Finance Department no later than the due date. Postmark dates are not considered date of receipt and will incur a late fee.

- ii) Bills 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: In accordance with SB998, the following rules apply to account holders whose bills remain unpaid for more than sixty (60) days following the Due Date:
 - i) Small Balance Accounts: If less than the reconnection fee remains unpaid on account, it shall be carried over and added to the next billing period but will still be subject to a late fee and delinquent notice.

- ii) Delinquent Notice: If payment for a bill is not made by the Due Date, a delinquent notice will be issued within 10 days of the original due date. Delinquency is defined as any bill with an outstanding balance after the original due date listed on the originally issued bill. A late charge, as specified in the City’s Master Fee schedule, www.ci.benicia.ca.us/finance, shall be assessed. Delinquent notices will be due 21 days after issuance. A Delinquent Notice will contain the following:
- (1) Date of Delinquent Notice.
 - (2) Account Holder’s name and address.
 - (3) Account and Customer Number.
 - (4) Amount of delinquency.
 - (5) Date by which payment or arrangement for payment (payment plan) must be made to avoid discontinuation of service. Minimum of 60 days after original due date.
 - (6) Description of the process by which a customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent service charges.
 - (7) Description of the process to apply for an extension of time to pay the delinquent charges
 - (8) Description of the procedure to petition for bill review and appeal
- iii) Turn Off Notice: If payment for a bill is not made by the Delinquent Due Date, a notice of “Turn Off” will be mailed to the water service account holder at least seven (7) business days prior to the possible discontinuation of service date identified in the Turn Off Notice. If the account holder’s mailing address is not the address of the property to which the service is provided, the Turn Off Notice will also be sent to the address of the property served, addressed to “Occupant.”
- iv) Door Tags: A door tag will be hung on the physical property address that is subject to disconnection of services at least 48 hours prior to the disconnection.

The Turn Off Notice and Door Tags will contain the following:

- a) Date Door Tag is Hung.
- b) When the services will be discontinued.
- c) Account Holder’s name and address.
- d) Account and Customer Number.
- e) Amount of delinquency.
- f) Date by which payment or arrangement for payment (payment plan) must be made to avoid discontinuation of service.
- g) Description of the process by which a customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent service charges.
- h) Description of the process to apply for an extension of time to pay the delinquent charges.
- i) Description of the procedure to petition for bill review and appeal

The city may alternatively provide notice to the account holder of the impending discontinuation of service by telephone. If that notice is provided by telephone, the City shall offer to provide the account holder with a copy of this Policy and offer to discuss with the account holder the options for alternative payment, and the procedures for review and appeal of the account holder's bill. The City shall also offer to discuss options to avert discontinuation of service for nonpayment including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and a petition for bill review and appeal.

- C) Unable to Contact Account holder: If the City is not able to contact the account holder 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.

- D) Late Charge: A Late Charge, as specified in the City's Master Fee schedule, www.ci.benicia.ca.us/finance, shall be assessed, and added to the outstanding balance on the account holder's account if the amount owed on that account is not paid before or on the due date of the originally issued bill. A late charge will only be waived 1 time per 12-month period.

- E) Turn-Off Deadline: Payment for water service charges must be received by the Finance Department not later than 7:00 AM on the date specified in the Turn Off Notice. Postmarks are not accepted as received by.

- F) Start / Stop Services and Final Bills:
 - a. Start Service: It is the responsibility of a person to establish services with the City of Benicia at the time they are taking ownership of a home or when their lease begins as a renter. Anyone who does not establish services with the City of Benicia is subject to immediate disconnection of services without further notice (per BMC 1308.040) until they complete the application process and provide the required documentation to the Finance Department to start services. A person who takes possession of a premises and uses water without applying for water service is liable for the water delivered from the date of the last recorded meter reading. In this instance, will back date start service date to correspond with the date of ownership or the start date of the lease. A tampering fee will be assessed in accordance with BMC 13.16.090.
 - i. If water service is being used by a resident without having established services with the City, a door tag will be posted at the residence to inform them they have 10 days to establish service with the City or the services will be disconnected until service is established.

 - b. Stop Service: It is the responsibility of the account holder to notify the City of Benicia Finance Department when they are moving out of the property, and they must complete a stop service request form with a forwarding address to stop services. The City of Benicia does not back date stop service requests for failure to notify the City.

- c. Long Term Vacations: It is the responsibility of the property owner or renter to pay all water and wastewater service fees associated with the property. The city cannot accommodate shutoff requests for account holder's short-term absences from their properties. All fees are still applicable regardless of current resident status.
 - d. Final Bills will be issued within 30 days after the stop service request is processed. Failure to pay Final Bill by the due date listed on the original final bill will result in a 10% late fee. A delinquent notice will be issued. If the account remains unpaid after the delinquent due date, the account can and will be sent to collections according to the timelines set forth in the collections policy.
- G) Notification of Returned Check: Upon receipt of a returned check (NSF) rendered as remittance for water service or other water-related charges, the City will consider the account not paid. The City will attempt to notify the account holder via a notice of return through the mail. Water service will be disconnected if the amount of the returned check and returned check charge are not paid by the due date specified on the notice, 30 days after notice is issued. To redeem a returned check and to pay a returned check charge, all amounts owed must be paid by cash, credit card, debit card or certified funds. The city will impose a NSF fee based upon the Master Fee schedule; see current schedule at www.ci.benicia.ca.us/finance
- H) Conditions Prohibiting Discontinuation: The City shall not discontinue water service if all the following conditions are met:
- a. Health Conditions – The account holder or tenant of the account holder 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: and
 - b. Financial Inability – The account holder demonstrates he or she is financially unable to pay for water service within the water system's normal billing cycle. The account holder is deemed "financially unable to pay" if any member of the account holder's household is: (1) a current recipient 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 (2) the account holder declares the household's annual income is less than 200% of the federal poverty level; and
 - c. Alternative Payment Arrangements –The account holder 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 L (below).
- 1) Process for Determination of Conditions Prohibiting Discontinuation of Service: The burden of proving compliance with the conditions is on the account holder. To allow the City sufficient time to process any request for assistance by an account holder, the account holder is encouraged to provide the City with the necessary documentation demonstrating the medical issues, financial inability and willingness to enter into any alternative payment arrangement as far in advance of any proposed date for discontinuation of service as possible.

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

Account holders who fail to meet the conditions described above, must pay the delinquent amount, including any penalties and other charges, owed to the City within the latter to occur of:

- a) two (2) business days after the date of notification from the City of the City's determination the account holder failed to meet those conditions.
- b) the date of the impending service discontinuation, as specified in the Turn Off Notice.

I) Special Rules for Low Income Account holders: Account holders are deemed to have a household income below 200% of the federal poverty line if: (1) any member of the account holder's household is a current recipient 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 (2) the account holder declares the household's annual income is less than 200% of the federal poverty level. If a account holder demonstrates either of those circumstances, then the following apply:

a. Reconnection Fees: If service has been discontinued and is to be reconnected, then any reconnection fees during the City's normal operating hours cannot exceed \$50.00. Those fees cannot exceed the actual cost of reconnection if that cost is less than the statutory caps. Those caps may be adjusted annually for changes in the Account holder Price Index for All Urban Account holders, San Francisco-Oakland-San Jose, Annual beginning January 1, 2021.

b. Interest Waiver: The City shall not impose any interest charges on delinquent bills.

J) Landlord-Tenant Scenario: The below procedures apply to individually metered detached single-family dwellings, multi-unit residential structures and mobile home parks where the property owner or manager is the account holder of record and is responsible for payment of the water bill.

a. Required Notice:

i. The City will make a good faith effort to inform the residential occupants by written notice when the account is in arrears of the possible shut off of water service at least ten (10) calendar days prior to the shut off if the property is a multi-unit residential structure or mobile home park or seven (7) calendar days prior if the property is a detached single- family dwelling.

ii. The written notice must also inform the tenants/occupants that they have the right to become account holders to whom the service will be billed without having to pay any of the delinquent amounts.

b. Tenants/Occupants Becoming Account Holders:

- i. The City is not required to make service available to the tenants/occupants unless each tenant/occupant agrees to the terms and conditions for service and meets the City's requirements and rules.
- ii. However, if (1) one or more of the tenants/occupants assumes responsibility for subsequent charges to the account to the City's satisfaction, or (2) there is a physical means to selectively discontinue service to those tenants/occupants who have not met the City's requirements, then the City may make service available only to those tenants/occupants who have met the requirements.
- iii. If prior service for a particular length of time is a condition to establish credit with the City, then residence at the property and proof of prompt payment of rent to the City's satisfaction is a satisfactory equivalent.
- iv. If a tenant/occupant becomes a consumer of the City and the tenant's/occupant's rent payments include charges for residential water service where those charges are not separately stated, the tenant/occupant may deduct from future rent payments all reasonable charges paid to the City during the prior payment period

K) Alternative Payment Arrangements: Any account holder who is unable to pay for water service within the City's normal payment period may enter an alternative payment schedule (payment plan) for the unpaid balance.

- a. Repayment Options: The City of Benicia offers 3 payment plan options for account holders who unable to pay their utility bill by the original due date:
 - i. **1 Week Extension** 1/3 of amount due must be paid at time of entering payment arrangement. The remainder is due in 1 week.
 - ii. **2 Week Extension** 1/2 of amount due must be paid at time of entering payment arrangement. The remainder is due in 2 weeks.
 - iii. **12 Month Payment Plan** Total amount due is broken up into 12 even payments. 1st payment is due at the time of entering into the payment arrangement. The remaining 11 payments are due by the 15th of each month until the payment arrangement is fully paid.

Please Note: If you are on a payment arrangement plan, you must stay current with your City of Benicia utility bills, or the payment arrangement will be voided. If you miss a payment arrangement payment, your arrangement will be voided, and full payment will be due immediately. You can only be on one payment arrangement plan at a time. You will not be able to enter a new arrangement with the City of Benicia until account balance is paid in full per the terms of the payment arrangement agreement.

- b. Compliance with Plan: The account holder must comply with the agreed upon payment schedule and remain current as charges accrue in each subsequent billing period. The account holder may not request an extended payment schedule for any subsequent unpaid charges while paying delinquent charges for a previously agreed upon schedule. Where the account holder fails to comply with the terms of the agreed schedule for sixty (60) calendar days or more or fails to pay the account holder's current service charges for sixty (60) calendar days or more past the due date, the City may discontinue water service to the account holder's property at least 48 hours after the City posts a door tag at the account holder's residence of a final notice of its intent to discontinue service.

- L) Low Income Discount: The City offers a low-income discount of a flat rate set forth by the rate survey if the account holder qualifies for the PG&E California Alternate Rate for Energy Program (CARE). They must be currently enrolled in CARE and show proof of enrollment to the City in order to receive the low income discount on their water bill. Discount must be re-applied for every 2 years. The City will issue renewal letters in the mail a minimum of 60 days prior to the expiration.

- M) Financial Assistance Programs: The City of Benicia may participate in regional, state, or federal financial assistance programs that can be offered to our account holders and will notice account holders periodically of financial assistance programs. (i.e. LIHWAP, CA Water / Wastewater Arrearages Programs etc.)

- N) Appeals: The procedure to be used to appeal the amount set forth in any bill for water service is as follows:
 - a. Initial Appeal: Within fifteen (15) days of the bill dated listed on the original bill issued for water service, the account holder has a right to initiate an appeal or review of any bill or charge rendered by the City. Such a request must be made in writing and be delivered to the City's Finance Department. For so long as the account holder's appeal and any resulting investigation is pending, the City cannot discontinue water service to the account holder or apply late fees.

 - b. Turn Off Notice Appeal: In addition to the appeal rights provided under Subsection a, any account holder who receives a Turn Off Notice may request an appeal or review of the bill to which the Turn Off Notice relates at least five business (5) days after the date of the Turn Off Notice if the account holder alleges the bill is in error with respect to the quantity of water consumption set forth on that bill; 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, has been made. Any appeal or request for review under 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 received by the City of Benicia within five (5) business days. For so long as the account holder's appeal and any resulting investigation is pending, the City will not discontinue water service to the account holder.

- c. Appeal Hearing: Following receipt of a request for an appeal or review under Subsections a or b, a hearing date shall be promptly set before the Finance Director, or his or her designee (the “Hearing Officer”). After evaluation of the evidence provided by the account holder 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 and shall provide the appealing account holder with a brief written summary of the decision within 5 business days of the hearing date.
 - d. 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 of the corrected invoice date. If the revised charges remain unpaid for more than sixty (60) calendar days past the corrected invoice date, water service will be disconnected on the next regular business day after expiration of the sixty (60) calendar day period; provided that the City shall provide the account holder with the Turn Off Notice and the procedures within this policy are followed.
 - e. If the water charges in question are determined to be correct, the water charges are due on the Due Date as defined above or within five (5) business days after the Hearing Officer’s decision is rendered, whichever is later.
 - f. Any overcharges will be reflected as a credit on the next regular bill to the account holder.
 - g. Water service to any account holder shall not be discontinued at any time during which the account holder’s appeal is pending.
 - h. The Hearing Officer’s decision is final and binding.
- O) Restoration of Service: To resume or continue service that has been discontinued by the City due to non-payment, the account holder must pay a Reconnection Fee established by resolution of the City Council. The City will endeavor to make such reconnection as soon as practicable as a convenience to the account holder. The City shall make the reconnection no later than the end of the next regular business day following the account holder’s request and payment of any applicable Reconnection Fee, unless section J applies.
- P) Notice Regarding Language: This Policy and notices require under SB 998 shall be made available in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten (10) percent or more of the customers in the City’s service area.
- Q) Unauthorized Action of a Account holder: This Policy does not apply to the termination of a service connection by the City due to an unauthorized action of an account holder.