

RESOLUTION NO. 2020-01

ADOPTING THE RESIDENTIAL WATER SERVICE TERMINATION POLICY

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MID-PENINSULA WATER DISTRICT

WHEREAS, in September 2018, Senate Bill 998 was enacted and added the Water Shutoff Protection Act as California Health and Safety Code sections 116900 et seq.; and

WHEREAS, the Water Shutoff Protection Act establishes additional safeguards related to the termination of residential water service for non-payment to the procedural requirements already established in existing laws; and

WHEREAS, the Water Shutoff Protection Act requires that the Mid-Peninsula Water District (District) adopt a written policy regarding the termination of residential water service due to non-payment; and

WHEREAS, the District desires to adopt a policy that complies with the requirements of the Water Shutoff Protection Act and the requirements of existing laws, and also includes the District's procedures and practices in connection with the collection of delinquent accounts, including notifications, and the termination of water service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mid-Peninsula Water District that the Residential Water Service Termination Policy, as documented in Exhibit A, attached hereto and incorporated herein as though fully set forth, is hereby approved.

REGULARLY PASSED AND ADOPTED this 23rd day of January 2020.

AYES: *Directors Wheeler, Vella, Schmidt, Warden, Zucca*

NOES: *0*

ABSTENTIONS: *0*

ABSENCES: *0*

M. Zucca

PRESIDENT

ATTEST:

Andace R. Pina

SECRETARY OF THE BOARD

MID-PENINSULA WATER DISTRICT

RESIDENTIAL WATER SERVICE TERMINATION POLICY

Effective February 1, 2020

1. Background

This policy is adopted to satisfy the Mid-Peninsula Water District's (MPWD) obligations under California Government Code Section 60370 *et seq.*, California Public Utilities Code Section 10001 *et seq.* and Health and Safety Code Section 116900 *et seq.*, which govern the termination of certain utility service. Health and Safety Code Section 116900 *et seq.*, the Water Shutoff Protection Act enacted by SB 998, requires urban water suppliers and urban and community water systems, such as the MPWD, to adopt a written policy regarding the discontinuation of residential service due to non-payment.

This policy will be available and posted on the MPWD's website in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language that is spoken by at least 10% of the residents in the service area: www.midpeninsulawater.org

2. Payment for Residential Water Service

Every person receiving water service from the MPWD is required to pay for such service within thirty (30) calendar days of mailing of the statement or billing. Except as prohibited by statute, the MPWD will have the right to discontinue water service for the failure to make complete and timely payment. The MPWD will not discontinue residential service for nonpayment until the subject account has been delinquent for at least sixty (60) calendar days.

3. Contesting a Charge

If a customer believes he or she was overcharged for residential water service or charged for residential water service not rendered, the customer may contest the amount due by notifying the MPWD in writing within seven (7) calendar days after receiving the statement or billing at 3 Dairy Lane in Belmont, California. The MPWD will evaluate the information provided by the customer and investigate the matter. The General Manager shall make a decision based upon all the information and shall have the authority to adjust the amount due in a fair and equitable manner, if appropriate.

If the customer disagrees with the decision, the customer may, within seven (7) calendar days from the General Manager's decision, appeal the decision, in writing, to the Board of Directors. The Board of Directors will review the record and make a determination at its next regular Board of Directors' meeting. The decision of the Board of Directors will be final.

4. Notice of Residential Service Termination

The MPWD will provide customers and/or actual users with notice of a delinquent payment and the impending service termination, as required by law. The means of notification will be by mail, notification at the premises, or telephone. The MPWD assumes no responsibility for mailing or telephone contact information that has not been kept up-to-date by the customer.

5. Averting Residential Service Termination

The MPWD can be contacted by telephone at (650) 591-8941 or in person at 3 Dairy Lane in Belmont, California, Monday-Friday from 8:00AM to 4:30PM, except legal holidays, to discuss options for averting discontinuation of water service for non-payment under the terms of this policy.

A customer may request that the MPWD approve an alternative payment option to avert termination, including a deferred or reduced payment plan, an alternative payment schedule, or an agreement to amortize the delinquent amounts. At the time of such request, the customer will provide the MPWD with documentation evidencing that the bill is beyond the means of the customer to pay in full during the normal period for payment.

Generally, the MPWD may grant any such request in its sole discretion, but it will grant such a request, and will not terminate residential water service, if all of the following conditions are met:

- A. The customer, or a tenant of the customer, submits to the MPWD a certification of a primary care provider (as defined in Welfare and Institutions Code section 14088(b)(1)(A)) that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided; AND
- B. The customer demonstrates that he or she is financially unable to pay for residential water service within the MPWD's normal billing cycle by satisfying one of the following:
 - 1. A member of the customer's household is a current recipient of 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*
 - 2. The customer declares that his or her annual household income is less than 200 percent of the federal poverty level; AND
- C. The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with this Policy.

Upon such a showing or in its sole discretion, as applicable, the MPWD will offer the customer one or more of the following options:

- AA. Amortization of the remaining balance.
- BB. An alternative payment schedule.
- CC. A partial or full reduction of the unpaid balance.
- DD. Temporary deferral of payment.

The MPWD may choose which payment option the customer undertakes and may set the parameters of that payment option, in the MPWD's sole discretion. Any selected repayment option should result in full repayment of the outstanding balance within 12 months, but the MPWD may grant a longer term if it would be necessary to avoid undue hardship based on the customer's particular circumstances.