

ORDINANCE NO. 2022-01

**AN ORDINANCE ADOPTING A RESIDENTIAL WATER SERVICE
TERMINATION POLICY AND AMENDING SECTIONS 15 AND 16 OF
ARTICLE II OF ORDINANCE 82-1**

PURISSIMA HILLS WATER DISTRICT

WHEREAS, on June 8, 1982, the Board of Directors (Board) of the Purissima Hills Water District (District) adopted Ordinance 82-1, Establishing Policies and Regulations for Provision of Water Service by the District; and

WHEREAS, in 2018, the state enacted SB 998, with the stated purpose to provide additional procedural protections and safeguards to California residential water customers (SB 998); and

WHEREAS, SB 998 requires urban and community water systems that supply water to more than 200 connections to have a written policy on discontinuation of water service to certain types of residences for nonpayment, and provide the policy in multiple languages; and

WHEREAS, SB 998 also prohibits residential water service from being discontinued for a delinquent bill, until the delinquency surpasses 60 days, and sets forth specific criteria; and

WHEREAS, the District is an urban and community water system that provides water to over 200 connections; and

WHEREAS, the District, as part of its COVID-19 relief efforts and pursuant to Governor Newsom's Executive Orders, temporarily suspended all actions pertaining to delinquent residential water accounts, including shutoffs; and

WHEREAS, the District now desires to adopt an ordinance regarding residential water shutoffs and delinquent accounts to satisfy the District's 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.; and

WHEREAS, this ordinance will be available and posted on the District's website in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language that is spoken by at least 10% of the District's service area.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE PURISSIMA HILLS WATER DISTRICT AS FOLLOWS:

SECTION 1. PAYMENT FOR RESIDENTIAL WATER SERVICE.

Every person receiving water service from the District is required to pay for such service within 30 days of mailing of the statement or billing. Except as prohibited by statute, the

District will have the right to discontinue water service for the failure to make complete and timely payment. The District will not discontinue residential service for nonpayment until the subject account has been delinquent for at least 60 calendar days. The District will not discontinue service on a weekend, holiday or when District offices are closed.

SECTION 2. CONTESTING A CHARGE.

If a customer believes they were overcharged for residential water service or charged for residential water service not rendered, the customer may contest the amount due by notifying the District within ten (10) calendar days after receiving the statement or billing either via email at billing@purissimawater.org or in writing at 26375 W. Fremont Road, Los Altos Hills, CA 94022. The District 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 to the Board of Directors, either via email or in writing to the addresses above. The Board of Directors will review the record and make a determination at its next regular Board of Directors' meeting. If the next regular Board of Directors' meeting is scheduled for less than three (3) days from the General Manager's decision, the Board of Directors will review the record and make a determination at the following meeting. The decision of the Board of Directors will be final.

SECTION 3. NOTICE OF RESIDENTIAL SERVICE TERMINATION.

The District will provide customers and/or actual users with notice of a delinquent payment and the impending service termination, as required by law.

SECTION 4. AVERTING RESIDENTIAL SERVICE TERMINATION.

Customers and/or actual users of the water service may contact a District representative at (650) 948-1217 to discuss options for averting termination of residential service for nonpayment.

A customer may request that the District 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 District 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 District 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:

1. The customer, or a tenant of the customer, submits to the District 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

2. The customer demonstrates that they are financially unable to pay for residential water service within the District's normal billing cycle by satisfying one of the following:
 - a. 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*
 - b. The customer declares that his or her annual household income is less than 200 percent of the federal poverty level; AND
3. 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 District will offer the customer one or more of the following options:

1. Amortization of the remaining balance.
2. An alternative payment schedule.
3. A partial or full reduction of the unpaid balance.

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

SECTION 5. TERMINATION OF ADDITIONAL SERVICE.

If a customer receives water service at more than one location and the bill for service at any one location is unpaid and subject to termination under this Ordinance, service to said customer at all locations may be terminated.

The District may refuse to furnish water service to new premises of a customer if a bill for service to that customer at another location is unpaid and subject to termination under this Ordinance.

SECTION 6. AMENDING ORDINANCE 82-1.

Sections 15.C, 15.D, 15.E and 16.A of Article II of Ordinance 82-1, District Policies and Regulations for Provision of Water Service are repealed.

SECTION 7. SEVERABILITY.

In the event any section, clause or provision of this Ordinance will be determined invalid or unconstitutional, such section, clause or provision will be deemed severable and all other sections or portions hereof will remain in full force and effect. It is the intent of the District that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional

SECTION 8. EFFECTIVE DATE.


This Ordinance will be in full force and effect 30 days after adoption.

Adopted this 13th day of July, 2022, by the following vote of the Board:

AYES: Directors Jordan, Stone, Glassman, and Holtz.


NOES:

ABSENT: Director Ranganathan



President, Board of Directors
Purissima Hills Water District

ATTEST:



Secretary of the District