

## **POLICIES AND GUIDELINES FOR DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT**

The Revenue Division of the Finance Department is tasked with the billing and collection of utility accounts of the Hayward Water System. Hayward Municipal Code Chapter 11 Article 2 and Article 3, and the State of California Public Utilities Code establish the legal framework for the provision of utility services by the Hayward Water System to its customers. Additionally, the "Water Shutoff Protection Act" (California Health and Safety Code Division 104 Part 12 Chapter 6) has established specific requirements for water systems to follow when discontinuing residential water service due to nonpayment of usage charges. City Council has established the following policies and guidelines for the collection of delinquent residential utility accounts within this legal framework.

In addition to English, this policy will be made available in Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by at least 10% of the people (currently no other language meets this criteria) residing in the Hayward Water System service area. It will also be posted on the City of Hayward website.

**To discuss options for averting discontinuation of service for nonpayment, please call the City of Hayward at (510) 583-4600. Our normal business hours are 8 AM - 6 PM Monday - Thursday, and 8 AM - 12 PM Friday.**

### Collection Timeline

1. Per Hayward Municipal Code §11-2.36, utility bills are delinquent 15 days after the billing date. Both billing date and the delinquent date are printed on the bill sent to the account owner.
2. If the utility bill remains unpaid 35 days after the bill date, a late fee of \$5 will be added to the unpaid balance, and a "Late Payment Notice" will be mailed to the account owner. No interest charges will be added to delinquent residential utility accounts. This notice will request that payment be made within 21 days from the date printed on the notice.
3. If the utility bill remains unpaid 21 days after the "Late Payment Notice" was sent to the account owner, telephonic contact with the account owner will be attempted or a "Final Notice" will be hand-delivered to the service address. This notice will require payment to be made within 7 days from the delivery date. If payment is not received, the utility service may be discontinued.

### Payment Arrangements, Deferred Payments and Alternative Payment Schedules

Upon receipt of a "Late Payment Notice" an account owner can request a payment arrangement, a temporary deferment or reduction of the payment amount or an alternative

schedule to make the required payment. The City may choose which payment arrangement to accept as long as the outstanding balance is paid within a 12-month period.

#### Customers with Special Medical and Financial Circumstances

Utility service shall not be discontinued for nonpayment if ALL of the following conditions are met:

- a. The customer, or tenant of the customer, submits the certification of a primary care provider that discontinuation of service will be life threatening or pose a serious threat to the health and safety of a resident of the premise where service is provided, AND
- b. The customer demonstrates that they are financially unable to pay for residential service within the normal billing cycle. (Customer is deemed unable to pay if any member of the 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 the customer declares that the household's annual income is less than 200 percent of the federal poverty level.) AND
- c. The customer is willing to enter into payment arrangements, temporary deferred or reduction of payments, or alternative payment schedules consistent with this policy.

The City may choose which payment option to offer and accept. It should result in repayment of the outstanding balance in no more than 12 months. Payment arrangements longer than 12 months may be granted if the City finds that a longer period is necessary to avoid undue hardship on the customer based on the circumstances of the individual case.

If for 60 days or more, the customer fails to comply with the payment plan or the customer does not pay their current charges while under the payment plan, then residential water service shall be discontinued no sooner than 5 business days after a final notice to discontinue service is posted at the property.

#### Landlord Customers of Single-Family Residential Properties

When the customer is a landlord and the account is delinquent and subject to discontinuation of service, the City shall make every good faith effort to inform the residential occupants, by means of written notice, that service will be terminated at least 7 days prior to the termination. The notice shall also inform the occupants that they have the right to become customers without being required to pay any amount that may be due on the delinquent account. The water system may require the tenant to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. The water system is not required to make service available to the tenants unless they agree to the terms and conditions of service.

## Landlord Customers of Multi-Family Residential Properties

When the account services a multi-family residential building, the City will not discontinue service for non-payment of utility charges. Pursuant to Hayward Municipal Code §11-2.48, unpaid utility charges on residential multi-family buildings will continue to be added as a special assessment to the owner's Alameda County property tax bill. No resident of a multi-family residential building will have their services discontinued due to the delinquency of a property owner.

## Procedure for Customers to Contest or Appeal a Utility Bill

A customer who desires to dispute the accuracy of the charges on a utility bill shall, no later than 30 days from the date of the original bill, submit a written request to the City's Revenue Manager, or designated representative, for a review of the bill. The Revenue Manager, or designee, is authorized to correct an erroneous bill. The customer shall be given written notification of the decision regarding the dispute. The Revenue Manager, or designee, will investigate claims relating to the accuracy of the amount billed, but will not review claims concerning service, general level of rates, pending rate changes, source of water, or similar matters.

If a customer disagrees with the decision of Revenue Manager, or designee, the customer may appeal that decision to the Director of Public Works, or designee. The Director of Public Works, or a designated representative, may review the accuracy of the amount billed, but will not review appeals under this procedure concerning service, general level of rates, pending rate changes, source of water and similar matters.

Any customer who contests water consumption shown on a bill, and has initiated a complaint or requested an investigation, shall not have service discontinued for nonpayment during the pendency of an investigation by the City of the Customer's dispute or complaint, provided the customer also keeps current the account for services as charges accrue in each subsequent billing periods.