



RESIDENTIAL WATER SERVICE SHUTOFF PROTECTION POLICY FOR NONPAYMENT OF CHARGES

1 INTRODUCTION

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3 customers prevent shutoff of water service for nonpayment of charges due to hardship.

4 This policy is not applicable when water service is shutoff due to unauthorized action by customer.

5 This policy is available on the City of Carlsbad's website (<https://www.carlsbadca.gov/water>). The
6 number of annual shutoffs for nonpayment is noted on the website. A paper copy of the policy is
7 available upon request at the City's Utility Billing Offices at 1635 Faraday Avenue, Carlsbad, CA
8 92008.

9 For more information, contact CMWD's billing department by phone at (760) 602-2420 or by email at
10 water@carlsbadca.gov.

11 DEFINITIONS

12 **Water Bills** – Monthly statements sent to customers indicating the amount of water used during the
13 billing cycle, rate charged for the water, amount the customer must pay for the water and date on
14 which the payment is due.

15 **Delinquent Accounts** – Delinquent accounts are those that remain unpaid by the due date. An
16 account paid with a check that is returned by the bank upon which the check was drawn, is
17 considered as nonpayment of bill, and therefore may result in a delinquent account.

18 **Late Fee** - A fee charged for payments not received by the due date. The late fee is 10% of the
19 unpaid bill amount.

20 **Water Disconnection or Shutoff** – CMWD disconnects water service by turning off and locking the
21 water meter. If a customer's water service is disconnected or shutoff, the customer must pay a fee to
22 have CMWD reconnect the water service. Water service reconnected without CMWD authorization
23 may result in fines or additional charges or fees. Any damages caused by an unauthorized service
24 reconnection are the customer's responsibility.

25 NOTIFICATIONS

26 CMWD will not shutoff a residential customer's water service for nonpayment until the customer's
27 payment has been delinquent for at least 60 days.

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PROTECTION POLICY FOR NONPAYMENT OF CHARGES**

28 **First Written Shutoff Notice** – At least seven (7) business days before shutting off a residential
29 customer’s water service, CMWD will contact the customer by telephone or by mail.

30 If CMWD contacts the customer by telephone, CMWD will offer to provide the customer with this
31 policy. CMWD will also offer to discuss the customer’s option for averting a shutoff for nonpayment,
32 including the procedures for amortizing the unpaid balance and for obtaining a bill review and
33 appeal.

34 If CMWD contacts the customer by mail, CMWD will send the customer written notice of the shutoff to
35 the billing address designated on the customer’s account. If the billing address and the service
36 address are different, a second notice will be mailed to the service address and addressed to
37 “Occupant.”

38 The written notice will include the customer’s name and address, amount of the delinquent charges,
39 and the day by which the customer must pay or arrange to pay the delinquent charges to avoid a
40 shutoff. The notice will also include a description of the process to apply for an extension of time to
41 pay the delinquent charges, a description of the procedure to petition for a bill review and appeal,
42 and a description of the procedure by which the customer may request amortization of the delinquent
43 charges.

44 If the written notice is returned as undeliverable, CMWD will make a good faith effort to visit the
45 service address and leave, either with an adult occupying the residence or in a conspicuous place, a
46 written notice of the imminent shutoff and a copy of this policy.

47 **Notice to Tenants/Occupants in an Individually Metered Residence** – If the landlord of a
48 residence with individually metered service is the customer with the delinquent account, CMWD will
49 make a good faith effort to send a written notice to the tenants/occupants of the residence at least ten
50 (10) days before water service is shut off. The written notice will advise the tenants/occupants that
51 they have the right to become customers of CMWD without being required to pay the amount due on
52 the delinquent account, as long as they are willing and able to assume financial responsibility for
53 subsequent charges for water service at the residence. The tenants/occupants must provide
54 verification of tenancy in the form of a lease or rental agreement, rent receipts, a government
55 document indicating the occupant is renting the property, or other acceptable proof.

56 **Notice to Tenants/Occupants in a Multi-Unit Complex Served through a Master Meter** - If the
57 landlord of a multi-unit complex served through a master meter is the customer with the delinquent
58 account, CMWD will make a good faith effort to send a written notice to the tenants/occupants of each
59 unit at least ten (10) days before water service is shut off. The written notice will advise the

60 tenants/occupants they have the right to become customers of the CMWD without being required to
61 pay the amount due on the delinquent account. If one or more of the occupants at the address served
62 by the master meter are willing and able to assume responsibility for the subsequent charges for
63 water service to the satisfaction of CMWD, or if there is a physical means legally available to CMWD
64 of selectively terminating service to those tenants/occupants who have not met CMWD's
65 requirements for service, CMWD will make service available to the occupants who have met the
66 requirements.

67 **Final Written Shutoff Notice** - The final written Water Shutoff notice will be delivered to the
68 premises no less than five (5) business days in advance of shutoff. CMWD will visit the residence and
69 leave the water shutoff notice and this policy.

70 **OPTIONS AVAILABLE TO CUSTOMER**

71 **Bill Review and Appeal** - If a customer disputes the customer's water bill, the customer may make a
72 written request for the bill to be reviewed by the City of Carlsbad's finance director. The written
73 request must be submitted within ten (10) business days after the bill is mailed to the customer or
74 within five (5) business days after CMWD informs the customer by telephone or mail that the
75 customer's water service is subject to shutoff for nonpayment. A written request for a bill review must
76 identify what aspects of the water bill the customer believes are incorrect, what information and
77 documents the customer believes supports the customer's position, and what resolution the customer
78 seeks. Within ten (10) business days after receipt of the bill review request, the finance director, or a
79 designee, will review the water bill and provide a written response to the customer.

80 If the customer disagrees with the finance director's response, the customer may, within five (5)
81 business days of the response, appeal the matter to the deputy city manager, administrative services,
82 or a designee. Within ten (10) business days after receiving the appeal, the deputy city manager,
83 administrative services, will consider the information and documents previously submitted to the
84 finance director, as well as any additional information or documents submitted with the appeal, and
85 will issue a written decision independently determining whether the bill is correct. The decision of
86 the deputy city manager, administrative services, is the final administrative decision.

87 CMWD will not shutoff the customer's water service for nonpayment while the customer's request for
88 a bill review or appeal is pending. If the bill review or appeal results in a determination the
89 customer's water bill was incorrect, CMWD will correct the bill and the customer will have twenty-
90 one (21) calendar days to pay the corrected bill amount. If the bill review or appeal results in a

91 determination the customer's water bill was correct, the customer must pay the bill in full within five
92 (5) business days unless the customer qualifies for an alternate payment arrangement.

93 **Alternate Payment Arrangement** – A qualifying customer unable to pay for residential water service
94 within the normal payment period may request an alternate payment arrangement to avoid late fees
95 and service shutoff.

96 To qualify for an alternate payment arrangement, the customer must meet BOTH of the following:

- 97 ○ Demonstrate a medical need for continued water service by providing certification from a
98 Primary Care Provider that water service shutoff will be life-threatening or pose a serious
99 threat to the health and safety of any person residing at the service address.
- 100 ○ Demonstrate financial hardship by showing the customer is financially unable to pay for
101 service within CMWD's normal billing cycle. A customer will be deemed to have a
102 qualifying financial hardship if any member of the customer's household receives
103 CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State
104 Supplementary Payment, or California Special Supplemental Nutrition Program for
105 Women, Infants, and Children. A customer will also be deemed to have a qualifying
106 financial hardship if the customer declares that the customer's household income is less
107 than 200% of the federal poverty level.

108 If the customer qualifies for an alternate payment arrangement:

- 109 A. The customer must sign an Alternate Payment Arrangement Agreement with CMWD to amortize
110 the unpaid balance over an agreed upon period, not to exceed twelve (12) months from the
111 original due date on the bill.
- 112 B. The agreed upon amount (amortized payments) will be added to the regular monthly bill to pay
113 off the previously unpaid balance.
- 114 C. The customer must remain current on all subsequent billing periods.
- 115 D. The customer cannot request further amortization of any subsequent unpaid charges while paying
116 delinquent charges from a previous bill.

117 If the customer does not comply with the alternate payment arrangement or becomes delinquent in
118 paying current water service charges for sixty (60) days or more, CMWD will shut off the customer's
119 water service. At least five (5) business days beforehand, CMWD will post a final shutoff notice in a
120 prominent and conspicuous location at the service address.

121 If CMWD shuts off a residential customer's water service, CMWD will provide the customer with
122 information on how to restore service.

123 **RESTORATION OF SERVICE**

124 **Deadline for Shutoff** - All delinquent water service charges and associated fees must be received by
125 City of Carlsbad Finance Department by 3 p.m. on the day specified in the written disconnection
126 notice.

127 **Reconnection Process** - CMWD will reconnect service as soon as feasible but, at a minimum, will
128 restore service before the end of the next regular working day following payment of any past due
129 amount, delinquent fees and reconnection fees, on the account that was shutoff.

130 **Reconnection Fee** -For those that qualify for alternative payment arrangement, the reconnection fee
131 is \$50 for same day and next day service during normal business hours, and \$150 for service during
132 non-operational hours. This rate is subject to annual adjustment based on the Consumer Price Index.
133 The cost to reconnect water service as applicable under this policy is published yearly in the Master
134 Fee Schedule (<http://www.carlsbadca.gov/services/depts/finance/fees>).



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