

## Marin Municipal Water District – Policy for the Termination of Water Service for Non-Payment

This policy sets forth the Marin Municipal Water District’s process for the termination of water service for non-payment. This policy is available on the District’s website at ([www.marinwater.org](http://www.marinwater.org)). District Customer Service Representatives may be contacted by phone at 415-945-1400, during normal business hours (Monday-Friday 8:00 a.m. – 4:15 p.m. Pacific Standard Time), to discuss options for averting termination of water service for non-payment pursuant to this policy.

**PAYMENT DUE DATE:** All bills for water service are due when rendered.

**DELINQUENT ACCOUNTS:** Any bill that is not paid in full by the close of business 30 calendar days after the billing date shown on the bill shall be deemed delinquent.

**LATE CHARGES:** If full payment is not received by the close of business approximately thirty-six calendar days following the billing date shown on the bill, a late charge of three dollars (\$3) per billing period and one percent (1%) of the of the past due amount will be assessed.

**WAIVER OF LATE CHARGE:** At the customer’s request, the District will waive one late charge per twelve (12) month period.

**ALTERNATIVE, DEFERRED OR REDUCED PAYMENT ARRANGEMENTS:** Any customer, who is unable to pay the full amount billed for their water service within the normal payment period may request an alternative, deferred or reduced payment arrangement. While agreement and adherence to the terms of an alternative, deferred or reduced payment arrangement will avert a termination of service, the customer’s account will remain delinquent until the customer becomes current on all billed amounts. The District will consider all circumstances surrounding the customer’s request and make a determination as to whether an alternative, deferred or reduced payment arrangement is warranted.

Alternative, deferred, or reduced payment arrangements that extend into the next billing period are considered an amortization plan, which must be in writing and signed by the customer. An amortization plan will amortize the unpaid balance over a period determined by the District, not to exceed 12 months from the original payment due date shown on the bill. The customer must comply with the terms of the amortization plan and remain current on new bills rendered in each subsequent billing period. The amortization plan will require the first amortized payment to be paid at the time the arrangement is made. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.

Failure to comply with the terms of an alternative, deferred, reduced or amortized payment plan will result in the issuance of a written notice of payment delinquency and impending termination notice. The termination notice will be in the form of a final notice delivered to the service address no less than 5 business days before discontinuing service.

**LOW INCOME CUSTOMERS WITH A MEDICAL CERTIFICATION:** MMWD shall not discontinue residential water service for nonpayment if a customer or a tenant of a customer submits proof of or demonstrates all of the following to the District’s Customer Service Department prior to the close of business on the day specified in the written termination notice:

1. The certification of a primary care provider, as defined in Welfare and Institutions Code Section 14088 (b)(1) (A-B) including but not limited to (General Practitioner, Obstetrician/Gynecologist, Pediatrician, Family Practice Physician, Primary care Clinic, Hospital, or Outpatient Clinic) 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. An inability to pay for residential service within the normal billing cycle. (A customer or tenant of a customer will be deemed to be financially unable to pay if any member of his or her 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
3. The customer has agreed to enter into an amortization agreement, alternative, payment schedule or plan for deferred or reduced payments.

**ADDITIONAL NOTIFICATIONS:** As a courtesy, the District will make a reasonable, good faith effort to notify the customer by automated phone call at the customer provided telephone number for billing purposes and by written notice mailed to the billing address on the account that the payment remains past due and further collection action will be forthcoming, if the past due balance is not paid in full or an alternative, deferred or reduced payment arrangement is not made prior to the date of termination.

**WRITTEN TERMINATION OF WATER SERVICE NOTICE:** The District shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least 60 calendar days. The District will make a reasonable, good faith effort to contact the customer in writing at least 7 business days before discontinuation of water service for non-payment. The written termination notice will be mailed to the billing address designated on the account. If the billing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to “Occupant”. For customers receiving mail delivery to Post Office Boxes, the District shall deliver the notice directed to the “Occupant” at the service location. The written termination notice will include:

- The customer’s name and address;
- The location of the water service to be terminated;
- The reason for termination, including the amount that is delinquent;
- The date by which payment or payment arrangements are required to avoid termination of service;
- A description of the process to apply for an extension of time to pay the delinquent charges;
- A description of the procedure to petition for bill review and appeal;
- A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule; and
- The phone number of the District’s Customer Service Department and the web address where the District’s written policy for the Termination of Water Service for Non-Payment may be viewed.

#### LANDLORD-TENANT RELATIONSHIPS

##### a. **Notice to Residential Tenants/Occupants**

The District will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the account is in arrears, at least ten (10) days prior to terminating service. The written notice will inform the tenants/occupants that they have the right to become customers of the District without being required to pay any amount due on the delinquent account, as long as they agree to the terms and conditions of service, meet the requirements of law and all applicable District rules, and are willing to assume financial responsibility for subsequent charges for water service at that address. In order for the amount due on the delinquent account to be waived under Section 11.28.030 of the Marin Municipal Water District Code, the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments prior to assuming financial responsibility for the account.

If the written termination notice is returned through the mail as undeliverable, the District will make a reasonable, good faith effort to visit the residence and deliver a notice of termination of water service for non-payment and a copy of this policy. A thirty dollar (\$30) charge will be applied to the customer's account.

**PAYMENT DEADLINE TO AVOID TERMINATION OF WATER SERVICE:** All delinquent water service charges and associated fees must be received by the District's Customer Service Department, located at 220 Nellen Avenue, Corte Madera, CA 94925, during regular business hours (Monday- Friday 8:00 a.m. - 4:30 p.m. Pacific Standard Time) on or before the date set forth in the written termination notice.

**CHARGES FOR WATER SERVICE TURN-ONS AND TURN-OFFS:** To resume or continue service that has been terminated for non-payment, the customer must pay both a turn-on and turn-off fee of \$50 during normal business hours and \$100 outside of normal business hours. The District will attempt to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next business day following receipt of payment in the District's Customer Service Department of all past due amounts and delinquent fees. Payments not made in person to the Customer Service Department via any other method including but not limited to, on-line bill payment, interactive voice response (IVR), automated clearinghouse (ACH), etc. are subject to three to five business days processing time prior to resuming service. Water service that is turned on by any person other than District personnel with or without District authorization may be subject to fines, penalties and additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.

**APPLICATION OF PAYMENTS:** All payments on bills shall be applied first to any required security deposit; second, to any balance transferred from a closed account to an existing service; third, to any late charges; fourth, to any past due balance; and fifth, to current charges.

**RETURNED CHECKS:** Upon receipt of a returned check for water service or other charges, the District will consider the account unpaid and assess late fees and potential terminations of service from the date set forth on the unpaid bill. The District will make a reasonable, good faith effort to notify the customer by mail of the returned payment. A fifteen dollar (\$15) charge for each returned check will be assessed on the customer's account. All amounts paid to redeem a returned check and to pay the returned check charge must be in cash, credit card or certified funds.

**RETURNED CHECKS USED FOR PAYMENT OF RECONNECTION FEES AND DELINQUENT AMOUNTS:** In the event a customer pays with a check to restore water service that is terminated for non-payment and the District restores service, the District may promptly terminate service without providing further notice if the customer's check is returned. The customer will be required to pay using cash, credit card or certified funds to restore any service terminations for a period of 12 months from the date of the returned payment.

**PROCEDURE TO REQUEST REVIEW AND APPEAL OF BILL:** Customers should contact the District's Customer Service Department to discuss and/or dispute a bill, request amortization of any unpaid charges, show good cause why water service should not be terminated, present any complaint, or request an investigation regarding his/her service or charges. If the District's Customer Service Department fails to resolve the customer's dispute, at least two business days before the termination date, the customer may appeal the District's Customer Service Department's decision by requesting a hearing before the District's Treasurer or his/her designee before termination of water service pursuant to Sections 11.28.030(h) (ii) and 11.28.040 of the Marin Municipal Water District Code. If the decision of the District's Treasurer or his or her designee is unsatisfactory to the customer, the customer may appeal the decision by submitting a written notice of appeal to the District's General Manager within seven business days of the District's Treasurer's or his or her designee's decision, pursuant to Section 11.28.065 of the Marin Municipal Water District's Code.