

Chapter 6.05, CUSTOMER BILLING PROCEDURES

6.05.010 Establish rates and charges.

The board of directors shall from time to time by resolution establish rates and charges for water and other service provided by the Hi-Desert Water District.

6.05.020 Charges.

Fixed monthly charges will begin when a water service connection is installed.

6.05.030 Liability for water used.

The customer shall be held liable for water used until the district is notified in writing to discontinue service or to transfer the account to another account.

6.05.040 Liens for unpaid bills.

All unpaid bills in the name of the property owner will be made a lien against the property pursuant to these rules, regulations and California Water Code Section 31701.5, et seq.

6.05.050 Account liability.

The individual who requests service remains responsible for all charges owed to the district.

6.05.060 Billing period.

The regular billing period will be at the option of the district.

6.05.070 Billing of separate meters not combined.

Separate bills will be rendered for each meter installation. The district may, for its own convenience, consider each register of compound meters as a separate service and bill each as provided for herein.

6.05.080 Opening and closing bills.

Opening and closing bills for less than the normal billing period shall be pro-rated. Closing bills may be estimated by the district for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

6.05.090 Payment of bills.

Bills for metered water service shall be rendered at the end of each billing period and are due and payable upon presentation. If full payment is not received at the business office of the district on or before the final payment date indicated on the bill, the bill shall become past due and delinquent and a delinquency charge shall apply in an amount established by board resolution and modified from time to time.

6.05.095 Payment arrangements for residential customers.

If a residential customer is unable to pay a bill during the normal payment period, the customer may request an extension or other alternative payment arrangement by contacting the district's customer service staff in writing, by telephone, or in person during regular business hours. Decisions regarding extensions or other payment arrangements are in the discretion of the district, and may be based on any relevant information, including past payment history.

The customer must comply with the terms of any alternative payment arrangement and remain current as charges accrue in each subsequent billing period. The customer may not request another alternative payment arrangement of any subsequent unpaid charges while paying charges pursuant to an alternative payment arrangement. Failure to comply with the terms of an alternative payment arrangement for at least 60 days, including payment of current charges, may result in termination of water service after the district posts a final notice of intent to disconnect service at the service address at least 48 hours before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the district.

6.05.100 Shut-off notices for all customers.

A shut-off notice shall be mailed to all customers whose accounts are delinquent, warning that service will be discontinued unless payment is made within 60 calendar days from the date of the delinquency. The notice shall be mailed at least 15 days before discontinuation of service and shall indicate the amount due, including delinquent charges, and the total amount, which must be paid.

If the mailing address and address of the property to which water service is provided are different, a second notice addressed to “occupant” will be mailed to the service address at least fifteen (15) days before discontinuation of water service for non-payment. The written disconnection notice and occupant notice may include the following information:

- Customer’s name and address
- Amount that is past due
- Date by which payment or payment arrangements are required to avoid discontinuation of service
- Description of the process to apply for a payment arrangement
- Description of the process to dispute or appeal a bill
- Description of the procedure for the customer to obtain information on financial assistance, if applicable
- Telephone number where customer may request a payment arrangement or receive additional information from the district
- Web links to the district’s rates and fees policies.

6.05.105 Additional notices for residential customers and occupants.

In addition to the notice to customers required in Section 6.05.100, at least 10 calendar days before disconnection of residential water service, the district will also provide written notice to the occupants of individually metered single-family dwellings, multiunit residential structures, mobile home parks, or permanent residential structures in a labor camp where the owner, manager, or operator is the customer of record. For master-metered residential structures, the district will also make a good faith effort to provide written notices to the actual occupants at least 10 calendar days before service is discontinued. Notices to occupants will inform the occupants that they have the right to become customers of the district without being required to pay any amount which may be due on the delinquent account.

The district will also make a good faith effort to contact the customer of record or an adult person living at the residential service address in person or by telephone at least 7 calendar days before discontinuation of service.

If the district is unable to make contact with the customer or an adult person living at the residential service address in person or by telephone, the district will make a good faith effort to leave a notice of imminent discontinuation of residential service (e.g. in the form of a door hanger) and a copy of its policies on discontinuation of service in a conspicuous place at the service address. The notice and policies will be left at the residence at least 48 hours before discontinuation of service. The district assumes no responsibility for contact information that has not been kept up to date by the customer.

6.05.110 Procedure for residential tenants to become customers.

This section applies when the property owner, landlord, manager, or operator of a residence is listed as the customer of record and has been issued a notice of intent to discontinue water service due to nonpayment. The district will make service available to the actual residential occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the district's rules and regulations. Notwithstanding, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the district, or if there is a physical means of selectively discontinuing service to those occupants who have not met the requirements of the district's rules and regulations, the district shall make service available to the occupants who have met those requirements.

To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall verify that the delinquent customer is or was the landlord, manager, or agent of the dwelling. At the discretion of the district, verification may include a lease or rental agreement, rent receipts, or a government document indicating that the occupant is renting the property.

If prior service for a period of time is a condition for establishing credit with the district, residence and proof of prompt payment of rent for that period of time is a satisfactory equivalent.

6.05.120 Removal of delinquency.

The district may remove one delinquency annually from the record of any account when requested by the customer.

6.05.130 Suit.

All unpaid rates and charges and penalties herein provided may be collected by suit.

6.05.140 Costs.

Defendant shall pay all costs of suit in any judgment rendered in favor of district, including reasonable attorney's fees.

6.05.150 Upon vacating premises.

Customers desiring to discontinue service should so notify the district in writing two days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for ongoing charges, whether or not any water is used, up until time of requested discontinuance of service.

Chapter 6.10, FEES AND CHARGES – GENERALLY

6.10.100 Nonsufficient funds check charge.

A fee will be charged for each check returned from the bank for lack of sufficient funds.

6.10.105 Notification of Disposition of Returned Check or Credit Card Payment.

Upon receipt of a returned payment, whether check or credit card, taken as payment of water service or other charges, the district will consider the account not paid and the amount of the returned payment will be deemed delinquent. The district will make a reasonable, good faith effort to notify the customer of the returned payment.

All amounts paid to redeem a returned check or credit card payment and to pay the returned payment charge must be in a different form of payment than the original returned payment. Accounts paid before the due date with payments that are subsequently returned not paid will be assessed the delinquent account service charges as if the subsequently returned payment was never received.

Chapter 6.35, COMPLAINTS AND DISPUTED BILLS

6.35.010 Right to meet.

Should a customer have a complaint with regard to water service, the district rules, regulations, resolutions, or ordinances, or dispute the accuracy of a bill for water service or other charges, for any reason whatsoever, the customer has the right to meet with the general manager, or his designee, to discuss the dispute and present any evidence the customer has to support their position.

6.35.020 Formal disputes or complaints.

If the customer is unable to resolve a dispute with the general manager or otherwise wishes to submit a formal complaint, the customer may submit a complaint in writing, along with a full and detailed explanation within fifteen (15) days of mailing of the disputed bill. A timely dispute or complaint shall be reviewed by the general manager or his or her designee, who shall provide a written determination to the customer. The review will include consideration of whether the customer may receive an extension, amortization or other payment arrangement. While an investigation of a disputed bill is being conducted, the customer will be required to pay an amount equal to a typical bill for that length of time.

6.35.030 Appeal to the board of directors.

Any customer whose timely dispute or complaint resulted in an adverse determination may appeal the determination to the board of directors by filing a written appeal with the board secretary within ten (10) business days of mailing of the district's initial determination. Upon receiving the appeal, the board secretary will set the matter to be heard at an upcoming board meeting and mail the customer written notice of the time and place of the meeting at least ten (10) days before the meeting. The customer may appear before the board to present the complaint and any evidence in support of his/her position and ask for a decision by the board.

6.35.040 Delays on action.

The board shall act promptly to resolve the dispute, but may delay a resolution of the dispute to a future meeting in order to investigate or receive special reports related to the dispute.

6.35.050 Decision of the board.

The decision of the board of directors shall be final. Should the board not render a decision within 60 days of application to the board, this failure to act shall be deemed a denial of the requested action, unless the board has agreed to extend the resolution period.

6.35.060 Discontinuance of service.

If a customer disputes the water bill or exercises their right to appeal, the district will not disconnect water service for non-payment while the dispute or appeal is pending.

6.35.070 Adjustment for fast meter errors.

If a meter tested at the request of a customer is found to be in excess of the district's tolerance, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

6.35.080 Adjustment for slow meter errors.

If a meter tested at the request of a customer is found to be less than the district's tolerance, the district may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

6.35.090 Nonregistering meters.

If a meter is found to be nonregistering, the charges for service shall be based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the district, and its decision shall be final.

Chapter 6.40, DISCONNECTION FOR NONPAYMENT

6.40.010 Disconnection for nonpayment.

If a bill is delinquent for 60 calendar days or more, water service may be discontinued by the district. The district will not disconnect water service on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

6.40.020 Complaint procedures for disconnection.

Service disconnection for nonpayment of bills or for violation of any of the district's rules, regulations, ordinances or resolutions is subject to the complaint procedures specified in Chapter 6.35 HDWD District Code.

6.40.030 Refusal or neglect to pay debt.

Any amount due is a debt to the district and any person, firm or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action for the amount due in a court of competent jurisdiction.

6.40.040 Lien against property for nonpayment.

Any unpaid debt for which a property owner is responsible will be deemed a lien against the real property to which service is rendered as specified herein and in California Water Code Section 31701.5 et seq.

6.40.050 Service charges for violations.

If water service is discontinued for violation of any of the district's rules, regulations, resolutions or ordinances, service shall not be reinstated until the violations have been corrected and all applicable service charges and fees as provided for herein paid.

6.40.060 Partial payments.

A partial payment of a delinquent account may be accepted and credited to a customer's account, but such partial payment shall not be cause for removing the account from a delinquent status and shall not preclude the meter from being turned off for delinquency.

6.40.070 Authorization for continuance of service for delinquent accounts.

The general manager, or a designee, may authorize continuation of service to a delinquent account if financial arrangements satisfactory to the district have been established.

6.40.080 Special medical and financial circumstances.

The district will not discontinue residential water service if all of the following conditions are met:

(a) The customer or a tenant living at the service address submits a certification from a licensed primary care provider that discontinuation of water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises;

(b) The customer demonstrates that he or she is unable to pay within the normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if: (1) any

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 under penalty of perjury 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 an alternative payment arrangement, including an extension, amortization, or alternative payment schedule with respect to the delinquent charges.

For customers who meet all of the above conditions, the district will offer the customer one of the following options, to be selected by the district in its discretion: (1) an extension; (2) amortization of the unpaid balance; or (3) an alternative payment schedule. The general manager or his or her designee, will select the most appropriate payment arrangement, taking into consideration the information and documentation provided by the customer, as well as the district's payment needs. The general manager or his or her designee, in their reasonable discretion, may authorize a longer term to avoid undue hardship on the customer.

The customer is responsible for demonstrating that the conditions above have been met. Upon receipt of documentation from the customer, the district will review the documentation within 7 calendar days and either: (1) notify the customer of the alternative payment arrangement selected by the district and request the customer's signed agreement to participate in that alternative arrangement; (2) request additional information from the customer; or (3) notify the customer that he or she does not meet the required conditions.

The district may discontinue water service if a customer who has been granted an alternative payment arrangement under this section fails comply with the alternative payment arrangement for 60 calendar days or fails to pay his or her current bills for water service for 60 calendar days. The district will post a final notice of intent to disconnect service at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the district.

6.40.090 Reconnection fee limits.

For residential customers who demonstrate a household income below 200 percent of the federal poverty line, the district will limit reconnection fees during normal business hours to fifty dollars (\$50), and during non-business hours to one hundred fifty dollars (\$150). The limits will only apply if the district's actual reconnection fees exceed these amounts. These limits are subject to an annual adjustment based on the consumer price index for the Riverside-San Bernardino-Ontario region beginning January 1, 2021. The amount of the current reconnection fee for normal and after-hours is included on Section 6.15.040, and 6.15.050, respectively.

The district will deem a residential customer to have a household income below 200 percent of the federal poverty line if: (a) 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 (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

6.40.100 Re-establishment of service.

In order to resume service that has been disconnected for non-payment, the customer must pay any disconnection fees; any current and past due water billing charges including interest or penalties; any reconnection fees, subject to limitations in Section 6.15.050; and a guarantee deposit if required by the district. The district will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next regular working day following payment as required in this section. Water service that is turned on by any person other than the District personnel or without district authorization may result in damage to district facilities and result in additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer or property owner and service will not be restored until such damages are paid.

6.40.105 Re-establishment of service after business-hours.

Service restored at the request of a customer after 5:00 pm Monday through Thursday, anytime on Friday, weekends, or holidays will be charged an after-hours reconnection fee, subject to limitations in Section 6.15.050. Service will not be restored after regular business hours unless the customer has been informed of the after-hours reconnection fee and has signed an agreement acknowledging the fee and agreeing to contact the district no later than 7:30 am the following business day to pay the subject fee. The after-hours reconnection fee must be paid at the time requested if done so in the office, or by 7:30 am the following business day if requested after regular business hours, and may not be paid later as part of a payment arrangement. District staff responding to service calls are not permitted to collect payment but will instruct the customer to contact the district before 7:30 am the following business day. Services with water meters that have been removed cannot be reestablished after hours.

Sometimes water service is discontinued because the service is for a new account and the district has not received a request to establish service from the new account holder. If service is being restored after regular business hours because the customer has yet to establish an account, the customer must agree to contact the district before 7:30 am the following business day to establish service by completing water account application paperwork and paying new account fees and the after-hours turn on convenience charge. Otherwise, water service will be discontinued at 12:00 pm that same day.

Service restored after regular business hours at customer request will be disconnected without further notice if customer fails to follow-up with the District office by 7:30 am on the following business day, as the customer committed to do when signing and agreeing to the after-hours turn on.

6.40.110 Questions and assistance.

For questions or assistance regarding water bills or avoiding disconnection, the district's customer service staff can be reached at (760) 365-8333. Customers may also visit the district's office in person during regular business hours.

6.40.115 Discontinuation of water service policy; copy of policy.

Chapters 6.05, 6.35, and 6.40 shall constitute the district's "policy on discontinuation of water service," as required under California Health & Safety Code section 116906. If a customer cannot access a copy of the policy via the district's website, the district will email a copy of the policy or make one available at the district's office at no charge on request. If a customer requests a mailed copy, the district will charge for the mailing service but not the document.

6.40.120 Annual Reporting.

The number of annual discontinuations of water service for non-payment will be reported on the district's website and also reported to the State Water Resources Control Board.