

CITY OF LINCOLN
Discontinuation of Residential Water Service
for Nonpayment Policy

Section 1. Policy Purpose and Scope

- (a) This policy enumerates the City of Lincoln Utility Billing Division's (hereinafter referred to as "Utility Billing Division") administrative actions for the collection of delinquent accounts, including notifications, delinquency fees or charges and discontinuation of water service. This policy will be made available to the public on the City of Lincoln's website (lincolncalifornia.gov) or in person at the Utility Billing Division office located at 600 Sixth Street, Lincoln, CA 95648. The Utility Billing Division can be contacted by phone (916) 434-2430 to discuss options for averting discontinuation of water service under the terms of this policy. The Utility Billing Division office hours are Monday through Friday 8:00 AM to 5:00 PM, except city holidays.
- (b) This policy applies to all City of Lincoln residential water service users. To the extent this policy conflicts with any other rules, regulations, or policies of the City of Lincoln, this policy will control.

Section 2. Payment Due Date

- (a) Charges for service shall be due and payable on the first day following the month or other established billing period such services were used unless otherwise provided.
(Ord. No. 888B, § 2, 11-12-2013; Ord. No. 974B, § 2(Exh. 1), 8-28-2018)

Section 3. Delinquent Fees and Charges

- (a) All fees or charges which are not paid on or before the 30th day following the date such charges were due and payable are delinquent and an interest of ten percent (10%) of the charge shall be imposed on the 30th day following the date such charge was due and payable. In addition, an interest of one-half of one percent ($\frac{1}{2}$ of 1%) per month of the basic charge plus the ten percent (10%) interest shall be imposed on the 60th day following the date such charge was due and payable and on each 30th day thereafter until there is payment in full of the charge plus all interest imposed pursuant to this section shall be billed and collected.
(Ord. No. 888B, § 2, 11-12-2013; Ord. No. 974B, § 2(Exh. 1), 8-28-2018)
- (b) Delinquent fees or charges which remain unpaid for a period of 60 or more days after the date upon which they were billed shall become a lien upon the property and may be subject to collection pursuant to the procedures set forth in Article IV Chapter 13 of the city's municipal code. In addition, water service and other city utility services at the service

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location may be discontinued for nonpayment pursuant to Section 13.04.240 and Section 13.14.020 of the city's municipal code. If a customer receives service at more than one service location and the bill for any one of that customer's accounts becomes delinquent, charges for services at all other locations may also be collected pursuant to the procedures set forth in Article IV Chapter 13 of the city's municipal code.

(Ord. No. 888B, § 2, 11-12-2013; Ord. No. 974B, § 2(Exh. 1), 8-28-2018)

13.04.235 - Reserved.

Editor's note – Ord. No. 974B, § 2, adopted August 28, 2018, repealed § 13.040235, which pertained to billings adjustment and derived from Ord. No. 917B, § 1(Exh.A), Sept. 13, 2019.

- (c) The Utility Billing Division shall waive interest charges on delinquent bills once every 12 months for a residential customer who demonstrates to that his or her household income is below 200 percent of the federal poverty line as provided for in Municipal Code Section 13.04.250.
- (d) When a utility account is closed and there is a balance that is not paid by 30 days from the last billing date, such account can be sent to a collection agency. The fees and cost shall be the responsibility of the customer of the closed account.

Section 4. Disconnection of Water Service

- (a) In addition to all other remedies which the Utility Billing Division may have for the collection of delinquent water service charges, the Utility Billing Division may discontinue water service for nonpayment of an account that is delinquent for at least 60 days.
- (b) A first notice, herein, "Reminder Notice" will be mailed on all fees or charges which are not paid on or before the 30th day following the date such charges were due payable. The Reminder Notice will include an interest of ten percent (10%) on those fees or charges. The Reminder Notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property to which water service is provided are different, a copy of such Reminder Notice will be mailed to the service address and addressed to "Occupant". The Utility Billing Division assumes no responsibility for contact information that has not been kept up-to-date by the customer. The Reminder Notice will include:
 - The customer's name and address.
 - The amount of the delinquency.
 - The date by which payment or payment arrangements are required to avoid discontinuation of residential service.
 - A description of the process to apply for an extension of time to pay the delinquent charges.

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- A description of the procedure by which the customer may request a deferred, reduced or alternative payment arrangement consistent with this policy.
- A description of the procedure to petition for a bill review and appeal.
- The Utility Billing Division’s phone number and the website link to the City of Lincoln Utility Billing Division’s Discontinuation of Residential Water Service for Nonpayment Policy .

If the Reminder Notice is returned through the mail as undeliverable, the Utility Billing Division will make a reasonable, good faith effort to visit the residence and leave a copy of the Reminder Notice in a conspicuous place.

- (c) A second notice, herein, “Final Water Notice” will be mailed at least ten (10) days before disconnection of water service. This Final Water Notice will include all fees or charges which are not paid on or before the 60th day following the date such charges were due and payable. In addition, an interest of one-half of one percent ($\frac{1}{2}$ of 1%) per month of the basic charge plus the ten percent (10%) interest shall be imposed on the 60th day following the date such charge was due and payable and on each 30th day thereafter until there is payment in full of the charge plus all interest..

(Ord. No. 888B, § 2, 11-12-2013; Ord. No. 974B , § 2(Exh. 1), 8-28-2018)

- (d) If an adult at the residence initiates an appeal or requests a hearing prior to water service being discontinued for nonpayment, they shall be given an opportunity for review of such appeal by the city manager or the city manager’s designated representative.

Section 5. Exceptions to Shutoff for Nonpayment of Residential Water Service.

- (a) The Utility Billing Division shall not discontinue residential service for nonpayment if all of the following conditions are met:
- (1) The customer, or a tenant of the customer, submits to the Utility Billing Division the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the California Welfare and Institutions, 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.
 - (2) The customer demonstrates that he or she is financially unable to pay for residential service within the Utility Billing Division’s normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the Utility Billing Division’s normal billing cycle if any member of the customer’s household is a current recipient of CalWORKs, CalFresh, general assistance, MediCal, 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.

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- (3) Customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, all herein, "Contract Agreement" consistent with this policy.
- (b) If the conditions listed in Section 5(a) are met, the Utility Billing Division shall offer a Contract Agreement to repay any remaining outstanding balance within twelve (12) months. A completed Residential Water Service Disconnection Exemption form must be submitted to qualify for the exemption.
- (1) Residential service may be discontinued no sooner than five (5) business days after the Utility Billing Division posts a door hanger of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:
- (i) The customer fails to comply with the terms of an agreed upon Contract Agreement for delinquent charges for 60 days or more.
 - (ii) While undertaking a Contract Agreement, the customer does not pay his or her current residential service charges for 60 days or more.

Section 6. Landlord-Tenant Relationship

- (a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.
- (b) If the Utility Billing Division furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp as defined in Section 17008 of the California Health and Safety Code, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the Utility Billing Division shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be discontinued at least ten (10) days prior to the discontinuation. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.
- (c) The Utility Billing Division is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of the law and the city's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the Utility Billing Division, or if there is a physical means legally available to the Utility Billing Division of selectively discontinuing service to those residential occupants who have met those requirements of

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the city's rules and tariffs, the Utility Billing Division shall make service available to those residential occupants who have met those requirements.

- (d) If prior service for a period of time is a condition for establishing credit with the Utility Billing Division, residence and proof of prompt payment of rent or other credit obligation acceptable to the Utility Billing Division for that period of time is a satisfactory equivalent.
- (e) Any residential occupant who becomes a customer of the Utility Billing Division pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the Utility Billing Division for those services during the preceding payment period.
- (f) In the case of a detached single-family dwelling, the Utility Billing Division may do any of the following:
 - (1) Give notice of discontinuation at least seven (7) days prior to the proposed discontinuation.
 - (2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

Section 7. Contract Agreement Requirements

- (a) A Contract Agreement will be offered to any residential customer who meets all three (3) requirements in Section 5(a).
 - (1) The Contract Agreement will amortize the unpaid balance over a period not to exceed twelve (12) months starting from the date the contract is signed.
 - (2) The Contract Agreement payments will be combined with, and subject to the due date of, the customer's regular bill.
 - (3) The customer must comply with the terms of the Contract Agreement and remain current as charges accrue in each subsequent billing period.
 - (4) The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to the Contract Agreement.
 - (5) Failure to comply with the terms of the Contract Agreement will result in the issuance of a door hanger delivered to the premises no less than five (5) business days in advance of discontinuance of service.

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Section 8. Reestablishing Water Service After Shutoff

- (a) The Utility Billing Division will disconnect water service by turning off, and in some cases locking off, the meter for water service discontinued because of delinquency in payment or upon the customer's request.
- (b) Water service shall not be reestablished until all fees and charges, together with a service charge, have been paid. In the case of delinquent payment, a cash deposit may be required by the Utility Billing Division as a condition to reestablish service.
- (c) In the event water service is discontinued for delinquency in payment and water service is resumed without authorization, the Utility Billing Division may discontinue the water service and may charge and collect a penalty for each occurrence in addition to such other amount which may be due from the customer. Such charges shall be paid before water service is reestablished.

(Ord. No. 888B, § 2, 11-12-2013; Ord. No. 974B, § 2(Exh. 1), 8-28-2018)

Section 9. Notification of Disposition of Return Check

- (a) Upon receipt of a returned check taken as payment of water service or other charges, the Utility Billing Division will consider the account not paid. The Utility Billing Division will take applicable action based on this policy.

Section 10. Returned Checks for Previously Disconnected Water Service

- (a) In the event a customer tenders a non-negotiable check as payment to restore water service previously disconnected for nonpayment and the Utility Billing Division restores water service, the Utility Billing Division may promptly disconnect service without providing further notice.

Any customer who issued a non-negotiable check as payment to restore water service turned off for nonpayment will be required to pay cash, credit card or certified funds to restore future water service disconnections.

Section 11. Appeals

- (a) Any customer who has initiated an appeal or requested a hearing prior to water service being discontinued for nonpayment shall be given an opportunity for review such appeal by the city manager or the city manager's designated representative.
- (b) The Utility Billing Division shall not discontinue water service during the pendency of an investigation or review of a customer appeal, dispute or complaint.

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Section 12. Translations

- (a) Policy Translations of this policy in the languages listed in Section 1632 of the Civil Code are available at the Utility Billing Division office or the city website.
- (1) Please visit our office or website for a translation of this policy.
 - (2) Visite nuestra oficina o sitio web para obtener una traducción de este politica.
 - (3) 请访问我们的办公室或网站，了解本政策的翻译。
 - (4) Mangyaring bisitahin ang aming opisina o website para sa isang pagsasalin ng patakarang ito.
 - (5) Vui lòng truy cập văn phòng hoặc trang web của chúng tôi để dịch bản chính sách này.
 - (6) 이 정책에 대한 번역은 저희 사무실이나 웹 사이트를 방문하십시오.