

# CHIRIACO SUMMIT WATER DISTRICT

## RESOLUTION NO: 2020-01

### A RESOLUTION OF THE CHIRIACO SUMMIT WATER DISTRICT ESTABLISHING A POLICY ON THE DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT IN COMPLIANCE WITH THE WATER SHUTOFF PROTECTION ACT (CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 116900 ET. SEQ.)

**WHEREAS**, on September 28, 2018 the Governor of the State of California approved Senate Bill 998 (SB 998, attached as **Exhibit B**) pertaining to the discontinuation of residential water service for urban and community water systems; and

**WHEREAS**, SB 998 was added to Chapter 6 (commencing with Section 116900) of the California Health and Safety Code; and

**WHEREAS**, SB 998 requires urban water suppliers to have a written policy on the discontinuation of residential water service (shutoff) and provide that policy in English, the languages listed in Section 1632 of the Civil Code (Spanish, Chinese, Tagalog, Vietnamese, and Korean), and any other language that is spoken by at least 10% of the people residing in the City's service area; and

**WHEREAS**, SB 998 prohibits discontinuation of water service until a bill has been delinquent for 60 days and provides for a process to work through hardship situations; and

**WHEREAS**, SB 998 prohibits shutoff for nonpayment if all of the following conditions are met:

- (1) the customer, or tenant, submits a certification of a primary care provider that discontinuation of residential service will be life threatening or pose a serious threat to the health and safety of a resident,
- (2) the customer demonstrates that he or she is financially unable to pay within the normal billing cycle, and
- (3) the customer is willing to enter into an amortization agreement, alternative payment schedule, or plan for deferred payment for all delinquent charges; and

**WHEREAS**, SB 998 requires the water supplier to provide information on how to restore residential service and petition for a waiver of reconnection fees; and

**WHEREAS**, SB 998 requires the water supplier to waive reconnection fees and offer a reduction or waiver of interest on delinquent bills once every 12 months for a residential customer who shows an income below 200% of the federal poverty line; caps reconnection fees at \$50 or less if the reconnection is during normal water system operational hours; caps reconnection fees at \$150 or less if the reconnection is during non-operational hours, with the applicable reconnection fee not to exceed the actual cost of reconnection; and

**WHEREAS**, SB 998 requires the water supplier to make every good faith effort to inform a tenant by written notice when the owner's account is in arrears and service is going to be terminated, and requires continued service if the tenant assumes responsibility to the satisfaction of the water supplier; and

**WHEREAS**, SB 998 authorizes the California State Water Resources Control Board to enforce the requirements and the Attorney General to bring an action for temporary or permanent injunction; and

**WHEREAS**, SB 998 has other requirements relating to notices, website information, and reporting requirements; and

**WHEREAS**, it is in the public interest and the right of all Californian's to have safe, accessible and affordable water as declared in Section 106.3 of the California Water Code.

## CHIRIACO SUMMIT WATER DISTRICT

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Chiriaco Summit Water District as follows:

1. The recitals set forth above are true and correct and incorporated herein.
2. The Policy attached as **Exhibit A** entitled "**Delinquent Water Service Bills and Notification of Discontinuation of Water Service**," is hereby adopted.
3. The Policy becomes effective on April 1, 2020.

On motion by Board Member H. Garcia, seconded by Board Member R. Chiriaco, and on the following roll call vote, to wit:

Ayes:	<u>5</u>	Noes:	<u>0</u>
Absent:	<u>0</u>	Abstentions:	<u>0</u>

  
Margit F. Chiriaco-Rusche  
President, Board of Directors

ATTEST:

  
Heather Garcia, Board Secretary