

Water Shutoff Protection Act FAQs SB 3 (Dodd, 2023)

These FAQs are advisory and do not bind the State Water Resources Control Board in any future decision.

1. What is the Water Shutoff Protection Act?

The Water Shutoff Protection Act (“Act”) requires that all community water systems take certain actions before discontinuing residential water service for nonpayment. A community water system is a system that serves at least 15 service connections or regularly serves at least 25 yearlong residents. The Act supports California’s goal of ensuring that everyone is treated fairly when faced with a delinquent water bill. Fair treatment includes the ability to contest a bill, seek alternative payment schedules, and demonstrate financial hardship.

2. What does the Water Shutoff Protection Act require of water systems?

Community water systems must do the following under the Act:

- Adopt a written water shutoff policy on discontinuation of water service for nonpayment.
- Post the written policy on the system’s website. If the system does not have a website, then the system must provide the policy to customers in writing upon request.
- Not discontinue service until a payment is at least 60 days late. Before discontinuing service, the system must provide notice to the customer at least 7 business days before shutting off the water. The notice must contain specific information (see paragraph 4 below).
- Not shutoff water service where there is a threat to life or health and safety of a resident, and the customer faces severe financial hardship and is willing to enter into an alternative payment plan to pay the delinquent balance.
- Not shutoff water service if the customer has an appeal pending regarding the delinquent charges.
- Restrict reconnection fees for residents with income at or below 200% of the federal poverty level. To determine whether income is at or below 200% of the federal poverty level, click [here](#).
- Use specified notification procedures for properties with landlord-tenant relationships. Authorized tenants of individually metered residences must be

- notified in writing that they have the right to become customers and billed for the water service without having to pay any of the delinquent amounts.
- Provide the customer with information about how to restore water service after a water shutoff.
 - Post on its website, if it has one, the number of annual discontinuations of residential service for inability to pay. This information must also be provided to the State Water Resources Control Board, which must post the information on its website.

3. What must the written water shutoff policy contain?

The water shutoff policy must contain:

- A plan for deferred or reduced payments that is available to any customer.
- Alternative payment schedules that are available for any customer.
- A formal mechanism for a customer to contest or appeal a bill.
- A telephone number for a customer to discuss options for avoiding water shutoff due to nonpayment.

4. What must the water system include in its notice of discontinuation of service for nonpayment?

The notice must include (1) the customer's name and address, (2) the amount owed, (3) date by which payment or arrangement for payment is required to avoid discontinuation of service, (4) a description of the process to apply for an extension of time to pay the amount owed, (5) a description of the procedure to petition for bill review and appeal, and (6) a description of the procedure to request a deferred, reduced, amortized, or alternative payment schedule. If the water system is unable to make contact with the residence by telephone and the written notice is returned through the mail as undeliverable, the water system must make a good faith effort to visit the residence and leave a notice of discontinuation for nonpayment along with the associated shutoff policy. If the customer's address is not the address of the property where water service is provided, notice must also be mailed to the property address, addressed to "Occupant."

5. Is there a limit on reconnection fees?

Yes. For residential customers who demonstrate that their household income is below 200 percent of the federal poverty line and/or who have a household member who 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, the following rules apply. The reconnection fee during normal operating hours is \$50. If during nonoperational hours, the reconnection fee is \$150. The reconnection fee cannot be more than the actual cost of reconnection. The system must also waive interest charges on delinquent bills once every 12 months.

6. What languages are required for the water shutoff policy?

For water systems serving **200 or more connections**, the water shutoff policy and related notices must be provided in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and in any language spoken by at least 10 percent of the people residing in its service area.

For water systems serving **less than 200 connections**, the water shutoff policy and related notices must be available in English and in any language spoken by at least 10 percent of the people residing in its service area. Upon customer request, the water system must provide the policy in Spanish, Chinese, Tagalog, Vietnamese, or Korean.

7. Who enforces the Water Shutoff Protection Act?

The State Water Resources Control Board can enforce against a water system for failure to comply with the written water shutoff policy requirements.

For water systems regulated by the California Public Utilities Commission (CPUC), the CPUC may file a lawsuit against water systems in violation of the Act.

The Office of the Attorney General, on its own or at the request of the State Water Resources Control Board, may file a lawsuit against water systems in violation of the Act.

Citations with monetary penalties can be issued to persons who violate the Act.