



## DELINQUENCY, WATER SHUT OFF POLICY

*[Effective Date: 12/16/2022]*

**Application of Policy.** This Policy on Discontinuation of Residential Water Service (this “Policy”) shall apply to all LDWA accounts for water service but shall not apply to any accounts for non-residential service. To the extent this Policy conflicts with any other rules, regulations, or policies of the LDWA, this Policy shall control.

**Contact Information.** For questions or assistance regarding your water bill, the LDWA Shareholder Service staff can be reached at (435) 879-0278. Shareholders may also visit the LDWAcorp.org website. (<http://ldwacorp.org>)

**Billing Procedures.** In general, water service charges are payable to the LDWA monthly. All bills for water service are due and payable upon receipt of mailing and will become delinquent ten (10) calendar days after the bill date. A late fee will be assessed on any unpaid balance on day thirty (30) of that month’s bill.

**Delinquency Notice for Nonpayment of Water Service.** If a Bill is delinquent for at least sixty (60) days, the LDWA will notify shareholder thirty (30) days before the discontinuation of water service. As a reminder their bill is delinquent and needs to be brought current

The delinquency notice will be given utilizing at minimum two\* of the following methods of delivery (this is in addition to the info on previous invoices):

- Printed Notice on door\*
- Standard Mail
- Email\*
- Phone Call

**Discontinuation of Water Service for Nonpayment.** If a bill is delinquent for at least ninety (90) days, the LDWA may discontinue water service to the service address.

**Notice to Shareholder:** The LDWA will provide a notice to the shareholder of record at least ten (10) business days before discontinuation of water service (water shutoff).

Notice of water shutoff will be given utilizing at minimum two\* of the following methods of delivery:

- Certified Mail w/ receipt\*
- Printed Notice on door\*
- Phone Call
- Email

The notice will contain:

- the name and address of the shareholder;
- the amount of the delinquency;
- the date by which payment or arrangements must be made to avoid discontinuation of service;

Written Notice to Occupants or Tenant: In rental property situations where the tenant is not the account holder and that fact is known to the LDWA, the LDWA shall post a notice of proposed termination of service on the premises in a conspicuous place and shall make reasonable efforts to give actual notice to the occupants by personal visits or other appropriate means at least seven (7) calendar days before the proposed termination of service. This notice provision applies to residential premises when the account holder has requested termination of service or the account holder has a delinquent bill. If nonpayment is the basis for the termination of service, the LDWA shall also advise the tenants that they may continue to receive water service for an additional thirty (30) days by paying the charges due for the thirty (30) period just past.

Posting of Notice at Service Address: If the LDWA is unable to make contact with the shareholder or an adult person living at the service address in person or by telephone, and written notice is returned through the mail as undeliverable, the LDWA will make a good faith effort to leave a notice of imminent discontinuation of residential service and a copy of this Policy in a conspicuous place at the service address. This courtesy posting may happen with or without the preceding requirements being met.

The notice will include:

- the name and address of the shareholder;
- the amount of the delinquency;
- the date by which payment or payment arrangements must be made to avoid discontinuation of service;

Time of Discontinuation of Service: The LDWA will not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday.

Restoration of Service: Shareholders whose water service has been discontinued may contact the LDWA by telephone, or by email, regarding restoration of service. Restoration shall be subject to payment of: (a) any past-due amounts, including applicable interest or penalties; (b) any reconnection fees; (c) and a security deposit, if required by the LDWA.

### **Procedures to Contest or Appeal a Bill.**

Time to Initiate Complaint or Request an Investigation: A shareholder may initiate a complaint or request an investigation regarding the amount of a bill within ten (10) days of receiving a disputed bill.

Review by LDWA: A timely complaint or request for investigation shall be reviewed by a manager of the LDWA, who shall provide a written determination to the shareholder. The review will include consideration of whether the shareholder may receive an extension, alternative payment schedule. The LDWA may, at its discretion, review untimely complaints or requests for investigation; however, the determination of such complaints or requests are not subject to appeal.

Appeal to LDWA Board: Any shareholder whose timely complaint or request for an investigation has resulted in an adverse determination may appeal the determination by filing a written notice of appeal with the LDWA Board within ten (10) business days of the LDWA's mailing of its determination. Upon receiving the notice of appeal, the LDWA Office Administrator will set the matter to be heard at an upcoming LDWA Board meeting and mail the shareholder written notice of the time and place of the

hearing at least ten (10) days before the meeting. The appeal will be heard in Executive Session after the Board Meeting to preserve the privacy of the applicant. The decision of the LDWA Board shall be final. The shareholder is encouraged to be present at the Executive Session.

**Request for Extension or Other Alternative Payment Arrangement.** If a shareholder is unable to pay a bill during the normal payment period, the shareholder may request an extension or other alternative payment arrangement. If a shareholder submits his or her request within five (5) business days after mailing of a written notice of discontinuation of service by the LDWA, the request will be reviewed by a designated member of the LDWA. If the petition is denied, regarding extensions and other alternative payment arrangements the shareholder may appeal that decision to the LDWA Board.

**Repeated Delinquency Remedies.** If a Shareholder becomes delinquent two or more times within any 12 consecutive month period, in addition to discontinuation of water service, the LDWA may pursue any other remedies available by law or equity for nonpayment of water service charges, including, but not limited to: securing delinquent amounts by filing liens on real property, filing a claim or legal action, or referring the unpaid amount to collections. In the event a legal action is decided in favor of the LDWA, the LDWA shall be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

**Discontinuation of Water Service for Other Shareholder Violations.** The LDWA reserves the right to discontinue water service for any violations of the LDWA ordinances, policies, rules, or regulations other than nonpayment.

**Fees and Charges Incurred.** Except as otherwise expressly stated in this Policy, any fees and charges incurred by a shareholder under any other rules, regulations, or policies of the LDWA, including, but not limited to, delinquent charges, shall be due and payable as set forth therein.

**Notice:**

When residential inhabited water is disconnected the Utah State Health Department will be notified as per their rules.

# NOTICE & ESCALATION MATRIX

| ACTION   | RESPONSIBILITY  | NOTIFY   | ACTION   |
|--|---|--|--|
| <p><b>BILLING INVOICE:</b><br/>Monthly shareholders receive billing invoices which serve as their initial notification of monies due LDWA. Although the LDWA ByLaws state that Payments are due within ten (10) days of invoice date, the association allows it's shareholders to submit payment (postmarked &amp; date stamped received) n later than the 30th of each billing month, or for February, the 28<sup>th</sup>/29<sup>th</sup>.</p> | <p><b>LDWA</b><br/>Invoice Mailed</p>   | <p><b>Shareholders</b><br/><b>1<sup>st</sup> notification</b><br/><b>of amounts</b><br/><b>due.</b></p>  | <p><b>Shareholder</b><br/>to remit payment within terms of ByLaws.</p> |
| <p><b>BILLING INVOICE w/ Past Due/Late Fees:</b><br/>If a shareholder does not remit payment for previous months billing their invoice will reflect a past due amount and late fee charge.</p> <p><b>Delinquency Notice</b> for Nonpayment</p>   | <p><b>LDWA</b><br/>Invoice Mailed</p><br><p>Notice Sent (two* of the following methods):</p> <ul style="list-style-type: none"> <li>• Notice on door*</li> <li>• Standard Mail</li> <li>• Email*</li> <li>• Phone Call</li> </ul>                 | <p><b>Shareholders</b><br/><b>2<sup>nd</sup> notification</b><br/><b>of amounts</b><br/><b>due.</b></p><br><p><b>Shareholders</b><br/><b>3<sup>rd</sup> notification</b><br/><b>of amounts</b><br/><b>due.</b></p> | <p><b>Shareholder</b><br/>to remit payment within terms of ByLaws.</p> |
| <p><b>BILLING INVOICE w/ Past Due/Late Fees:</b><br/>If a shareholder does not remit payment for previous months billing their invoice will reflect a previous past due amount and compounded late fee charges.</p> <p><b>Discontinuation of Water</b> Service for Nonpayment.</p>   | <p><b>LDWA</b></p><br><p>10 days prior to shut off - Notice (two* of the following methods):</p> <ul style="list-style-type: none"> <li>• Certified Mail w/ receipt*</li> <li>• Notice on door*</li> <li>• Phone Call</li> <li>• Email</li> </ul> | <p><b>Shareholders</b><br/><b>4<sup>th</sup> notification</b><br/><b>of amounts</b><br/><b>due.</b></p><br><p><b>Shareholders</b><br/><b>5<sup>th</sup> notification</b><br/><b>of amounts</b><br/><b>due.</b></p> | <p><b>Shareholder</b><br/>to remit payment within terms of ByLaws.</p> |
| <p><b>Repeated Delinquency.</b><br/>If a Shareholder becomes delinquent two or more times within any 12 consecutive month period</p>   | <p><b>LDWA</b><br/>Letter sent to shareholder. Info supplied re PayClix's options &amp; potential office admin fees that may be assessed.</p>   |  |  |