



Memo

Date: September 10, 2021
To: Honorable Mayor Armitage; City Council
From: Erin LaPere, City Manager
Re: Discussion on water shut-off for non-payment

During the COVID-19 pandemic, the state of Michigan issued a moratorium on shutoff for water due to non-payment and the City has not resumed the practice to date. The ordinance detailing the procedure for shutoff due to non-payment is below.

Current Ordinance: Section 68-99 Billing and Collection.

(A) Charges for water and sewer usage shall be paid within 30 days from the date which they are billed. Payments shall be deemed made when they are received in the Treasurer's office or a city authorized depository. If payment is not made as provided in this section, a penalty of 10% shall be added to the bill. Failure to receive a bill shall not relieve the customer from the responsibility for payment.

(B) Such charges shall constitute a lien upon the respective properties served and if any charge is not paid before it becomes delinquent it may be recovered by the city in an action in assumpsit against the owner of the property served as well as any tenant supplied with such water, or such charges may be certified to the City Treasurer by the City Council and assessed against the property on the next city tax roll, in which event such charge shall be collected and returned in the same manner as other city taxes are collected and returned; provided that any charge shall not be so certified which has not been delinquent for a period of a least 6 months. The effective date of certification by City Council shall be May 1 of each year. In addition to any other remedy provided in this chapter or by law, if such charges for water consumed is not paid as provided in this section, the City Treasurer shall have the authority to shut off the supply of water to any such premises, provided:

(1) Delinquent notice is provided by first class mail to the account holder, which shall serve as due process, prior to the water being shut off;

(2) Shut off notice is provided to any occupant(s) of the property by posting notice of same at the premises at least 3 days prior to the water being shut off;

(3) After shut off, such connection shall not thereafter be reconnected until all such water charges and penalties shall be paid, together with turn-on charges.

(C) If the city shuts off the water supply by mistake, the City Manager or his designee is authorized to credit the property owner an amount equal to the shut-off fee.

(D) (1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill; and

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge of such amount as is authorized from time to time by Council by resolution.

As currently written, administration has water shut-off available as a remedy for non-payment of usage. The customer has a right to a hearing, as well as notification prior to service shut-off. The current fee for resumption of service after non-payment shut off is \$80 which is intended to offset the costs for notification of impending shutoff, time spent at any hearing requested, and the staff time to turn water service off and then resume service upon payment.

Administration is preparing a presentation for Council on this matter for Tuesday evening's discussion. If Council seeks to discontinue the practice indefinitely, we should amend the ordinance accordingly. Alternatively, if Council would like to temporarily extend this moratorium, a policy or resolution stating such with an end-date would be helpful for administration and customers alike to have clear understanding going forward. However, if Council determines it's appropriate to resume shutoffs for non-payment, administration will then communicate to the customers to provide them ample opportunity to remedy any past due balances.

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