CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-621-D

WATER SHUT-OFF HARDSHIP ORDINANCE AMENDMENT

An Ordinance to allow for the termination of water service for nonpayment to be deferred in situations of documented hardship.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Section 24-142 of Article IV, Acquisition and Operation, of Chapter 24, Water Supply and Sewage Disposal Systems, of the Charter Township of West Bloomfield Code is amended by amending subsections (a) and (b)(2)b and adding new subsections (b)(1)f, (b)(2)c and (f) to read as follows:

Sec. 24-142. Discontinuance of service for failure to pay charges.

(a) Conditions for termination.

Subject to the procedures, decisions, limitations and deferrals contained in this section 24-142, the township shall shut off and discontinue the supply of water to any premises when charges for water services or other charges in connection with the water supply or sewage disposal system applicable to such premises remain unpaid in excess of sixty (60) days from the date when said charges were due and/or if the total delinquent charges are $500 or more.

(b) Water service termination procedure.

(1) The water department, upon determination that conditions exist justifying the termination of water service, shall mail or personally deliver to the customer, a notice of termination. The notice of termination shall contain the following:

a. – e. [Unchanged]

f. Notice of the ability and requirements to request deferral of termination based on hardship under subsection (f).

(2) Subject to subsection (b)(3), on or after the date of termination, the water department shall terminate water service provided to the customer unless, prior to the date of termination:

a. [Unchanged]
b. The water department has received a written notice from the customer that disputes correctness of all or part of the amount shown on the notice of termination; or,

c. The water department has received a written request and documents required for deferral of termination based on hardship under subsection (f).

(f) **Hardship termination deferral and reinstatement relief.**

(1) A customer that owns and resides at a residential premises which is subject to or has had water service termination for non-payment, may request the deferral of termination and/or reinstatement of water service based on hardship as defined and provided in this subsection (f). “Hardship” means the documented present inability of customer and other persons owning or occupying the premises, to pay some or all of the delinquent charges without defaulting on payment of customer’s other minimum reasonable and necessary living expenses, that is caused by a substantial decrease in available income and assets attributable to events that were unforeseeable or beyond customer’s control, such as but not limited to, loss of or change in employment or severe health problems rendering them unable to pay their bill.

(2) During the time a request for deferral is pending, water service shall not be terminated. During the time a request for reinstatement is pending, the water department may, but shall not be required, to reinstate service. The granting of deferral and/or reinstatement relief does not waive the unpaid charges, interest, penalties or the township’s lien and right to certify all unpaid amounts to the tax roll for collection.

(3) To be considered, a request for deferral of water service termination or reinstatement of water service based on hardship must be in writing, signed and dated by the customer and received by the township water department. At a minimum, for a request to be complete and entitled to consideration, it must include all of the following:

a. A description of the hardship by explanation of the event(s) that have substantially decreased the income and assets available to pay the delinquent charges and an indication of the periods of time the hardship has existed and is expected to continue.

b. Names and ages of all persons residing at the premises.

c. A listing of the minimum payments required for customer’s reasonable and necessary living expenses.

d. The net incomes from all sources for customer and all other persons residing at or with an ownership interest in the premises for which relief is requested.
e. For each of customer's assets other than the premises and its contents, a description of the asset, its value, location, amounts owed and payments required and restrictions or limitations on customer's ability to sell or dispose of the asset.

f. Payments, if any, that the customer is willing and able to make on the delinquent charges.

g. Except for amounts being disputed under subsection (c), customer's acknowledgement and agreement:

   (i) to the amount of the delinquent charges,

   (ii) that deferral or reinstatement relief does not waive the unpaid charges, interest, penalties or the township's lien and right to certify all unpaid amounts to the tax roll for collection,

   (iii) that any deferral relief will automatically terminate if at any time and for any reason, the township's lien or right to collection and payment of those amounts is terminated, and

   (iv) that conditions of any water service termination deferral or reinstatement relief granted by the township will be for customer to sign an affidavit under penalty of perjury as to the truth of all disclosures made, a promissory note and lien and an agreement that contains the terms, conditions and requirements for the relief as provided in this subsection (f) and the township's decision.

h. Customer's consent and waiver of confidentiality regarding township reviews and investigation of all disclosures and documents submitted.

(4) Requests for relief based on hardship shall be reviewed and decided by the director of the water department, who prior to making a decision, may require additional information and documents from the customer and may independently investigate or secure an investigation of any information that is submitted. The director's decision shall be in written form, shall approve or deny the requested relief, and shall include all of the following, as applicable:

a. If the request is denied, a statement of the reason(s) in the context of the definition of "hardship" in subsection (f)(1), and if water service has not yet been terminated, the notice described in subsection (c)(4).

b. If the request is approved, an agreement for the customer to sign that includes:
(i) the period of time water service termination will be deferred, which in no event shall be more than one (1) year from the date of the decision,

(ii) any conditions established by ordinance or the water department director, that must be satisfied for reinstatement of water services, if applicable, and for deferral of termination to remain in effect during the deferral period established, and

(iii) any minimum payments required to be made toward the delinquent charges and future water and sewer charges during the deferral period.

c. If the request is approved, an affidavit for the customer to sign under oath and penalty of perjury, as to the truth of the information submitted with the request.

d. If the request is approved, a promissory note and lien against the premises, to be signed by all owners of the premises, acknowledging that the unpaid charges at that time and interest and penalties that subsequently accrue, are personal obligations and secured by a lien on the premises that is enforceable by the township beyond any otherwise applicable statutory time limitation.

(5) From the date of the water department director’s approval decision on a hardship request for relief, the customer shall have five (5) days from delivery or seven (7) days from mailing of the decision to file all of the following required documents with the water department director:

a. The customer’s signed agreement described in subsection (f)(4)b.

b. The customer’s affidavit under oath described in subsection(f)(4)c.

c. The promissory note and lien signed and acknowledged by all property owners as described in subsection (f)(4)d.

d. Any other documents or payments required to satisfy conditions on the effectiveness of an approval decision.

Upon a failure to take the applicable action within the time allowed, the water department may proceed with termination of water service after giving the notice described in subsection (c)(4).

Section 2 of Ordinance

The sanction for violation of this Ordinance shall be as specified in Section 1-10(a) of the West Bloomfield Charter Township Code.
Section 3 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this Ordinance, be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 4 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 5 of Ordinance

This Ordinance Amendment shall be effective immediately upon publication.

CERTIFICATION

It is certified that the foregoing ordinance was duly adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on February 2, 2009.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: [Signature]

Catherine Shaughnessy, Clerk

Introduced: January 26, 2009
Adopted: February 2, 2009
Published: February 8, 2009