



## **Tiverton Wastewater District Water Temporary Hardship Policy**

### **Effective Date**

This policy supersedes the policy documentation that was adopted on May 20, 2019, and is effective upon approval until another policy is enacted.

### **Approval**

This policy has been approved by the Tiverton Wastewater District (TWWD) Board of directors at their regular meeting on January 22, 2024.

### **Background**

Homeowners may have experienced financial hardship that makes them unable to connect their property to the sewer, causing them to incur late fees and penalties. Additionally, customers may have difficulty securing financing for betterment, assessment, or other connection fees during sewer expansion projects. This policy is intended to provide relief for customers facing such hardships.

### **Policy**

TWWD may grant a waiver allowing temporary suspension of late fees and penalties only provided the homeowner demonstrates undue financial hardship. No waiver shall exceed three (3) years. For the purposes of this waiver provision, financial hardship shall be classified as annual household earnings of equal to or less than the "Low Income Limits, 80% of Median Income" as determined by the most current United States Department of Housing and Urban Development (HUD) Income Limits. To demonstrate financial hardship, the Property Owner shall be required to submit, at a minimum, current documentation of income and household size. TWWD has a Temporary Hardship Waiver Application that the property owner may be required to fill out that provides more detailed financial information.

### **Applicability**

Waivers may only be applied to sewer betterment and construction assessments or other fees in cases where there is a certified inspected operating septic system. Mandatory connection requirements will remain in force for sewer serviceable properties that have a cesspool or failed septic system. Proof of inspection of the septic system or cesspool by a New England Onsite Wastewater Training Program registered inspector approved by the Town of Tiverton must be provided to the TWWD.

## **TWWD Staff Review**

To initiate the review process, a property owner must contact TWWD staff and request a review of their circumstances. TWWD staff will require the minimum documentation as described above and may require the property owner to complete and submit an original copy of a Temporary Hardship Waiver Application with supporting documentation. This documentation shall be kept confidential to the extent permissible under the R.I. Access to Public Records Act. The property owner will be notified of an in-person interview date within 10 business days of application receipt at the TWWD office. At the interview, the information will be reviewed with input and discussion between TWWD staff and the property owner. TWWD staff may decide by the end of the interview, or at a later date if further review is warranted, whether a waiver will be granted. If additional information or review is required, TWWD staff will complete their review and inform the property owner of the decision within 10 business days of receipt of any additional information.

### **Review Minimum Requirements and Process:**

1. The Applicant has the burden of proof to demonstrate to one or more TWWD representatives that by written evidence or oral testimony presented at the interview:
  - a) Ownership of the property, i.e. deed.
  - b) Evidence property does not have a cesspool or a failed septic system.
  - c) Identify / explain the hardship, whether financial or otherwise.
  - d) Identify / explain why the stated hardship is undue.
  - e) Provide evidence of ineligibility for private or public loan funds which could be used for connection to the sewer system.
2. After the Applicant presents evidence, TWWD staff may ask the Applicant or Applicant's witness(es) questions pertaining to the Applicant demonstrating they meet the requisite burden of proof.
  - a) If needed, the TWWD Staff may request to continue the matter in another date so the Applicant may gather any additional evidence requested.
3. TWWD staff will consider the matter and findings on each burden of proof (see above) based upon the evidence presented by the Applicant:
  - a) TWWD staff shall determine the credibility and weigh the evidence presented, and state reasons for such findings.
4. After deliberation, the TWWD staff shall make a decision, which shall contain:
  - a) Findings of fact.
  - b) The application of the findings of fact.
  - c) A determination whether the Applicant has presented sufficient evidence to qualify for a temporary waiver.
  - d) If the Applicant qualifies for a temporary waiver, the decision should contain the length of time for the waiver and any conditions imposed for the waiver.



## **Appeals to the Board of Directors**

Should the property owner choose to appeal against the decision of TWWD staff, the application will be heard in a public, open meeting at the next available TWWD Board of Directors. These meetings are conducted in accordance with the R.I. Open Meetings Act (OMA). The appeal must appear on the agenda in accordance with the OMA. Any documentation submitted at a meeting of the TWWD may lose any confidentiality protections under APRA per state law.

1. Appeals follow the identical procedure outlined in 1-4 above but are heard by a quorum (4) of members of the Board of Directors in an open meeting as an agenda item.
  
2. During deliberation by the TWWD Board of Directors on appeal, the Board of Directors can ask the TWWD staff to prepare a draft motion for consideration by the Board of Directors at the next meeting. In this case the matter should be continued by vote at the next meeting.

## **Collection of late penalties fees during waiver period or when waivers have expired.**

At any time during the waiver period, or when the waiver has run out after 3 years, TWWD will need to decide how to apply any outstanding late penalties or other fees. The payment of all or part of the fees will be chosen from the following options. The decision will depend on the previously submitted or updated financial information as well as other factors that may have contributed to the hardship. The board will grant the executive director discretion to select one or more of the following policy options in consultation with the Board of Directors and staff.

### **Collection Options:**

1. No Forgiveness.
  - a. Customer will be expected to pay the entire amount owed in full before any action is taken by TWWD, including but not limited to resumption of water service, or continuing accrual of late fees penalties.
2. Reduction of late fees penalties to a nominal amount.
  - a. Customer will be required to pay a reduced portion of the fees. The amount will be limited to an amount intended to cover the cost of staff time and provide equity for customers in good standing.
3. Payment plan administered by a third party.
  - a. Customer will sign up for a payment plan set up by TWWD but administered by another agency, similar to the current arrangement with Southcoast Payroll for Phase 1 sewer expansion project customers. The plan could cover either reduced penalties or the full amount of fees.



4. Payment plan administered by TWWD.
  - a. Customer pays a set amount of the outstanding fees as a separate bill from the regular usage and OMA fees. There is no forgiveness of the outstanding fees. Interest is not charged on the outstanding amount. A processing fee would be required. Payment plan policy would need to be approved as a separate item, policy written, and fee schedule updated.
5. Payment plan administered by TWWD with balloon payment.
  - a. Customer pays a set amount of the outstanding fees as a separate bill from the regular usage and OMA fees. Lower monthly payments for a set amount of time (no more than 3 years) are followed at the end by a final payment of the full amount or a reduced amount of the existing balance. A processing fee would be required. Payment plan policy would need to be approved as a separate item, policy written, and fee schedule updated.
6. "Due Upon Sale" Lien on property for full amount of fees.
  - a. TWWD will set a lien on the property for the full amount of the late fees & penalties. The customer will pay future Usage charges and Operations, Maintenance, and Administration (OMA) fees. No forgiveness in fee amount but no payment required until property is sold.