



POLICY TITLE: City of Hamilton Water and Wastewater/Storm Billing Payment Arrangement Policy

POSITION RESPONSIBLE FOR TASK: Senior Policy Advisor, Financial Planning, Administration and Policy Division

POLICY NO: PP-0012

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MANAGER REVIEWED: Tom Hewitson

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MAINTENANCE RESPONSIBILITY: Financial Planning, Administration and Policy Division

I GENERAL

The Water and Wastewater/Storm Billing Payment Arrangement Policy (Policy) allows City of Hamilton (City) water utility Customers the opportunity to pay off past-due bill balances to keep their accounts in good standing. Payment Extension or deferred Payment Arrangements are a reasonable measure to ensure the City recovers water and wastewater revenue without creating undue hardship for Hamilton water and wastewater/storm customers (Customers).

A Payment Extension allows for payment of an account to occur within 5 business days of the invoice due date without the Customer incurring additional fees or penalties. A Payment Arrangement allows for the past-due amounts to be spread out over a specified period of time payable in equal installments at fixed intervals (usually every month). These payments are called Payment Instalments. Customers are required to pay the agreed-upon Payment Instalment in addition to paying their regular utility charges in full by the bill due date each month. Payment Arrangements must be requested prior to a transfer of unpaid water and wastewater/storm fees and charges to the tax roll for the property to which services were supplied.

II BACKGROUND

The City seeks to structure and administer this Policy to maximize the successful collection of water and wastewater/storm utility service amounts owing to the Utility while allowing the Customer to retain active utility service. The Policy allows for a consistent approach to Customer service and reinforces regular payment of outstanding fees and charges.

III POLICY

The Policy affords an opportunity to Customers, under specified circumstances, to request payment accommodations for payment of their outstanding water wastewater/storm bills in the form of Payment Extensions and Payment Arrangements. Payment Extensions and Payment Arrangements are discretionary and the City is not obligated to grant them. Requests for payment accommodations will be assessed on a case-by-case basis. Payment Extension and Payment Arrangements are meant to be used from time to time and not habitually.

DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Backbilling: often referred to as a “catch-up” bill, is that portion of a bill which represents charges not previously billed for service that was actually delivered to the Customer during a period before the current billing cycle where the original billings are discovered to be too low (under billed). The discovery may be made by either the Customer or the Utility (i.e., the City). The cause of the under billing may include any of the following reasons or combination thereof:

- stopped meter;
- metering equipment failure;
- missing meter now found;
- switched meters;
- double metering;
- incorrect meter connections;
- incorrect use of any prescribed apparatus respecting the registration of a meter;
- incorrect meter multiplier;
- the omission/application of an incorrect rate;
- incorrect reading of meters or data processing; and
- tampering, fraud, theft or any other criminal act.

Financial hardship: is defined as a state of financial disadvantage which results in a residential Customer being unable to pay an outstanding amount as required without affecting the ability to meet the basic living needs of the residential Customer or a dependant of the residential Customer.

Income Producing Residential Rental Property: is a property where the owner registered on title is different than the occupant and/or where a property pays business taxes.

Not-for-profit: Not-for-profit corporations are incorporated under the Ontario *Corporations Act* as organizations that carry on activities without the purpose of gain for its members and any profits to the corporation.

Payment Arrangement: is an agreement a Customer enters into with the Utility company to make payments for the outstanding water and wastewater/storm arrears over a period of time specified by the Utility company.

Payment Extension: an allowance of additional time to pay in full the current billing. An approved extension allows for payment to occur within five business days of the invoice due date without incurring additional fees or penalties.

Payment Instalment: is a partial payment of the total amount of outstanding water and wastewater/storm arrears repaid in equal instalments at fixed intervals (usually every month).

IV PAYMENT EXTENSIONS

The City recognizes that from time to time Customers need an extension to pay their current water and wastewater/storm utility bill due to unforeseen circumstances. An approved extension allows for payment to occur within five business days of the invoice due date without incurring additional fees or penalties. The granting of the payment extension will be at the sole discretion of City's billing agent, Alectra Utilities (Alectra).

V PAYMENT ARRANGEMENTS

Payment Arrangements allow City water Customers the opportunity to pay past-due water and wastewater/storm bill balances and keep their account in good standing. With a Payment Arrangement, the outstanding amount is paid over a specified period of time payable in equal installments at fixed intervals (usually every month).

Eligibility

A Customer is eligible for a Payment Arrangement if:

- Customer has an active account;
- Customer does not currently have a Payment Arrangement with a Utility company to pay off a previous water or wastewater/storm arrears;
- Customer has not contravened a previous Payment Arrangement within the past twelve months;
- Customer has not filed or is in not the process of filing for bankruptcy or proposal to creditors;

- There is no evidence of unauthorized alteration to the water meter and/or piping to by-pass the water meter on the property for which the Payment Arrangement request is being filed; and
- Where a tenant is the account holder, the property owner must provide consent in writing for the Payment Arrangement.

Conditions

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- In addition to keeping Payment Instalments current, all new and future charges must also be paid on time.
- Upon Default in complying with the terms of a Payment Arrangement, the outstanding balance will become immediately due and subject to usual late payment interest and charges. All unpaid arrears up to the date of the default will be transferred to the property tax roll.

Any of the following constitutes "Default":

- Failure to pay a Payment Instalment when due
- Payment of an amount that is less than the agreed-upon Payment Instalment
- Failure to pay the full amount of new/future charges (not associated with the Payment Arrangement) before account enters collections

The following factors will be considered when determining the eligibility, length and other particulars of a Payment Arrangement:

- Customer's ability to pay
- The amount of the bill resulting in the payment accommodation request
- Customer's previous payment history
- The reason for the payment accommodation request
- The length of time the bill has remained unpaid
- Any special circumstances creating an extreme hardship for the Customer

STANDARD PAYMENT ARRANGEMENTS

With Standard Payment Arrangements, Customers having difficulty paying their past-due water and wastewater/storm bill amounts can apply to have the arrears payable over a specified period of time in equal instalments set at fixed intervals (usually every month). Customers may contact the City's billing agent, Alectra, directly to discuss their payment options and situation.

Residential and Not-for-profit Corporate Customers

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance must be paid over no more than a 24-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Commercial and Industrial Customers

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance must be paid over no more than a 12-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Tenants

- Tenant(s) must obtain a written consent from the owner(s) registered on title to the property for which a Payment Arrangement is sought for the Payment Arrangement. The consent must be in the form provided by the City. The written consent may be obtained from the owner directly by the Tenant(s), or, at the request of the Tenant(s), may be obtained by Alectra on the Tenant's behalf. No Payment Arrangement will be established without the written consent of the owner.
- Tenant Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance to be paid over no more than a 24-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Landlords

- The City, through Alectra, provides the opportunity for water and wastewater/storm bills to be sent to a person other than the property owner such as a tenant or property manager and to be paid for by that person. However, this does not affect the property owner's liability for the charges. Where the water bill is sent to anyone other than the property owner and remains unpaid, subsection 398(2) of the *Municipal Act, 2001* permits the City to add unpaid water and wastewater/storm fees and charges to the tax roll of the property to which the public utility was supplied. In such circumstances, the fees and charges added to the tax roll will have priority lien status as described under section 1 of the *Municipal Act, 2001*. Where a tenant who is in receipt of water bills, contacts Alectra to request a Payment Arrangement for post-due bills related to water and wastewater/storm fees and charges, Alectra or the tenant will inform the property owner of the proposed plan for their consent.
- Landlords that retain the water bill for their Income Producing Residential Rental Properties may contact Alectra should they experience payment difficulties to discuss Payment Arrangement options.
- Landlord Customers are required to make a partial payment equal to, at minimum, the Customer's average bill to establish a Payment Arrangement.
- The remaining balance to be paid over no more than a 24-month payment period, to be set by the Utility Company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

SPECIAL PAYMENT ARRANGEMENTS

There may be situations where the Payment Arrangement terms and conditions are extended beyond the Standard Payment Arrangements limitations dependent on various situations as outlined below:

Water Leak and Extraordinary Circumstance Policy Considerations

Customers seeking consideration under the City's Water Leak Adjustment Policy or the Extraordinary Circumstance Bill Adjustment Policy may enter into a short-term Payment Arrangement, typically under four months, as the Customer's account must remain in good standing pending the outcome of requests made under those policies. Interest on the outstanding balances is waived until such time as the decision is made under those policies and/or a Standard Payment Arrangement approved.

Backbillings

Accounts may be Backbilled on occasion. Understanding that a Backbill may cause hardship, the City may offer Customers a Payment Arrangement with a repayment term that aligns with the time period of the Backbill (even where the repayment term exceeds the maximum term available under Standard Payment Arrangements). The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains current and the scheduled Payment Instalments are made.

Low Income Payment Arrangements (LIPA)

Special Payment Arrangement terms are available for residential Customers who meet income eligibility requirements set by the City. These Low Income Payment Arrangements increase the amount of time for qualified Customers to pay off their past-due water wastewater/storm bill balances over and beyond the term limits under Standard Payment Arrangements. The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains in good standing. Additionally, qualified low income Customers may be assessed a down payment less than their account average bill amount, as well as, possible reduction of incurred late payment fees.

Qualified Customers of Alectra's Low-income Energy Assistance Program (LEAP) are eligible for a LIPA.

Other Customers seeking to qualify for a LIPA must complete an application form providing documentation and proof of total gross household income for all family members. Eligibility will be determined where family income falls below the LEAP Income Cut-Off for the family size published by the Ontario Energy Board for the billing year the application for the LIPA is made by the Customer. The following chart will be used for the 2017 billing year:

January 2017 LEAP Income Cut-Off

Family Size	Income (before taxes)
1	\$27,194
2	\$33,856
3	\$41,622
4	\$50,533
5	\$57,315
6	\$64,640
7+	\$71,968

Note: Amounts shown are set by the Ontario Energy Board, based on statistics from Statistics Canada.

Financial Hardship

The City recognizes that residential Customers can experience periods of financial hardship affecting their capacity to pay past-due water and wastewater/storm bills due to life events that are typically of an unplanned or uncontrollable nature such as:

- unemployment;
- medical illness;
- physical or intellectual disability of the Customer or dependant affecting their capacity to pay;
- death in the family;
- change in the family unit;
- domestic violence;
- sudden loss of income or substantial reduction in income;
- legal proceedings;
- natural calamity such as fire, flood or storm damage;
- other unforeseen factors affecting Customer capacity to pay, such as an increase in non-discretionary spending.

Offering flexible Payment Arrangements, based on the Customer's capacity to pay, assists Customers with solutions to manage their ongoing utility costs and payments. Approval of a Financial Hardship Special Payment Agreement increases the amount of time for qualified Customers to pay off their past-due water and wastewater/storm bill balances over and above the term limits under a Standard Payment Arrangement. The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains in good standing. Additionally, qualified financial hardship Customers may be assessed a down payment less than their account average bill amount, and with possible reduction of incurred late payment fees.

When considering a Customer's ability to pay, the Customer's financial situation and their ability to meet the overall costs of their basic living needs will be considered.

Basic living needs include:

- Rent or mortgage;
- Other utilities (e.g. electricity, phone and gas);
- Food and groceries;
- Transportation (including transit, fuel and car expenses);
- Childcare and school fees;
- Clothing; and
- Medical and dental expenses.

To assess whether a Customer is experiencing financial hardship, the following information and/or documents relating to their personal circumstances may be requested:

- Employment status;
- Income and Basic Living Needs;
- Dynamic of household / number of dependants;
- Capacity to pay;
- How much the customer can afford to pay; and
- Other financial commitments.

The Customer will be assessed as experiencing financial hardship and will be assisted through a Financial Hardship Special Payment Arrangement if information provided by the Customer indicates that:

- The Customer is unable to pay their past-due water and wastewater/storm bill balances in accordance with the Standard Payment Arrangement terms due to financial hardship; and
- It appears that the Customer will be unable to pay past-due water and wastewater/storm bill balances without affecting their ability to meet basic living needs.

Financial Hardship Special Payment Arrangements are available only for residential Customers with the exception of owners/landlords of Income Producing Residential Rental Properties.

Extended-term Payment Arrangements

All Customers may request a Payment Arrangements with extended repayment terms that exceed the Standard Payment Arrangement terms for situations not related to a Backbill, LIPA or Financial Hardship. At the sole discretion of the City, these requests may be considered and, where approved, interest may be applicable to any arrears subject to such Payment Arrangements at a rate of 1.25 percent per month (15 percent per year).

PAYMENT ARRANGEMENT APPROVAL & ADMINISTRATION REQUIREMENTS

Approvals

- Standard/Special Payment Arrangements less than \$5,000: approved by Alectra in accordance with this Policy with monthly reporting to the City of all active payment arrangements.

- Standard/Special Payment Arrangements between \$5,000 and \$100,000: approved by the General Manager of Finance and Corporate Services or the Director of Financial Planning, Administration and Policy.
- Standard/Special Payment Arrangements that exceed \$100,000: Approved by City Council.

Administration

- The City and Alectra, as applicable, administers Payment Extensions and Payment Arrangements in accordance with this Policy.
- Payment Extensions are wholly administered by Alectra Utilities.
- Payment Arrangements up to \$5,000 with Standard Payment Arrangement terms are wholly administered by Alectra Utilities.
- Payment Arrangements exceeding \$5,000 and/or Special Payment Arrangements are administered by Alectra based on prior direction and approval from the City.