

RE: MVCSD Fee Waiver Request Form

Steve Kennedy <skennedy@bmklawplc.com>

Wed 2/7/2024 1:08 PM

To: Brittany Chavez <b.chavez@morongovalleyfire.org>

Cc: Jim Brakebill <j.brakebill@morongovalleyfire.org>

Hi Brittany:

Thank you for your e-mail regarding the above-referenced matter.

With respect to your first question, I believe that an applicant's voluntary request for a fee waiver based upon his/her low-income status is an elective decision that opens the door and serves as ostensible consent to furnishing the financial information necessary to support the application. Otherwise, the District's granting of the request without such factual support could be deemed a gift of public funds.

With respect to your second question, the District may wish to consider various portions of the financially-unable-to-pay standards of Health and Safety Code Section 116910(a)(2) applicable to residential water service by urban and community water systems under Senate Bill 998 as of January 1, 2019, which provide in pertinent part as follows: "The customer shall be deemed financially unable to pay ... if [the customer] is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income / State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that [his/her] household's annual income is less than 200 percent of the federal poverty level."

Please let me know your thoughts. If you have any questions or comments, please feel free to contact me at your earliest convenience. Thanks.

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From: Brittany Chavez <b.chavez@morongovalleyfire.org>

Sent: Friday, January 26, 2024 2:58 PM

To: Steve Kennedy <skennedy@bmklawplc.com>

Cc: Jim Brakebill <j.brakebill@morongovalleyfire.org>

Subject: MVCSD Fee Waiver Request Form

Hey Steve,

Recently Morongo updated our Ef Recovery Resolution to allow for fee waivers. The resolution reads as, "Low-income residents and/or tenants with balances over \$500 may request a fee waiver form the General Manager. Persons must meet the Federal Poverty Guidelines and have no active insurance. Applicants are limited to two (2) fee waivers per calendar year."

However, I was having trouble determining the best way to learn the status of a person's income. I have two questions; one, can we legally ask about a person's income when allowing fee waivers? Two, do you see any issues with the form I have created?

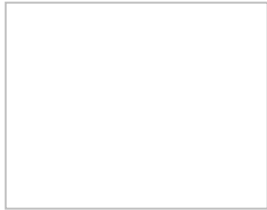
I have attached the fee waiver request form I created for residents as well as the resolution.

Thank you in advance for your knowledgeable wisdom.

Brittany Chavez

Administrative Coordinator

Morongo Valley CSD | Morongo Valley Fire Dept



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