

## RESOLUTION 2015-109

### EXTREME HARDSHIP POLICY

#### Recitals.

- A. Section 13 of Resolution 2015-107 requires that the Board of Directors ("Board") of the Grand Valley Drainage District define "extreme hardship" with respect to persons whose circumstances are such that paying residential Base Fees is an extreme hardship.
- B. District employees have researched objective standards by which extreme hardship can be determined. Multiple federal, state and local governments have different standards that are applied to persons with lower income who might be considered for extreme hardship treatment.
- C. District employees have inquired of local governments that provide domestic water, each of which indicates they do not have hardship or extreme hardship waivers or credits, but instead require timely payment for continuation of receipt of water services. A private utility, Xcel Energy, does provide some hardship relief if an applicant is approved by Mesa County for the LEAP program.
- D. District employee's research indicates that when federal, state or local governments do provide relief for persons facing extreme hardship, such applicants must disclose highly personal and confidential financial information in order to be evaluated for such governmental benefits or waivers.
- E. The Board determines that District possession of such personal and confidential information is not in the interests of District customers or of the District.
- F. The District Manager has offered a simple yet effective method of determining extreme hardship in most instances: Proof that an applicant has suffered a shut-off of water service, electric service or natural gas service for failure to pay. Such a 'standard' for proof of extreme hardship has the advantage of avoiding disclosure by the applicant of personal and confidential financial information. It has the potential disadvantage of an applicant with means failing to pay for water, natural gas or electric service in order to qualify for a District finding of extreme hardship, however, logic dictates that the amount of work and detriment involved in obtaining proof of such shut-off is greater than the benefit obtained from a waiver of a fee of \$36.00 per year per residence.
- G. Logic also dictates that applicants who own real property besides their primary residence have the ability to either borrow against such other property or sell such other property, thus even if they provide proof of shut-off for their primary residence, the Board determines that such persons do not qualify for extreme hardship.
- H. Similarly, applicants owning non-residential property do not qualify for extreme hardship with respect to payment of Base Fees.
- I. Similarly, logic dictates that applicants desiring relief from Facilities investment fees have sufficient resources to pay both Base Fees and Facilities investment fees as they come due.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GRAND VALLEY DRAINAGE, in order to implement Section 13 of Resolution 2015-107:

1. The owner of a residential property who is a natural person that is subject to the payment of Base Fees is eligible for a waiver of such Base Fee(s) upon the following proof delivered by such applicant to the District Clerk each calendar year and after receipt of the District's billing for such Base Fee(s):
  - a. Copy of a shut-off notice with respect to domestic water, electricity or natural gas from one of the following providers: Town of Palisade, Clifton Water District, Clifton Sanitation District, City of Grand Junction, City of Fruita, Ute Water Conservancy District, Grand Valley Power, or Xcel Energy;
  - b. Such shut-off notice shall be effective within three months of the application to the District Clerk;
  - c. The applicant shall file with the District Clerk the applicant's sworn or affirmed affidavit, under penalty of perjury, truthfully and accurately stating:
    - i. The address of each parcel, lot or other real property that is located within the District boundaries and owned by the applicant;
    - ii. That the applicant owns no real property other than the residential parcel, lot or other real property described in (i), above;
    - iii. The real property described in (i), above is the primary residence of the applicant, and no persons reside in such primary residence who pay rent to the applicant.
2. For this Resolution, "residential property" means those described in Recital U(5), (6) and (7) of Resolution 2015-107.
3. Extreme hardship waivers must be re-applied for each calendar year and must meet the criteria set forth in 1(a) through (c), above, or pursuant to section 4, below.
4. The Board recognizes that some of the District's customers may suffer an extreme hardship sufficient to justify granting a waiver on grounds other than those set forth in section 1, above. The Board determines that an applicant who believes s/he should be granted an extreme hardship waiver but does not qualify under section 1, above, may still apply for such waiver by submitting to the District Clerk the affidavit described in section 1(c), along with such other information or evidence as the applicant deems appropriate. If the District Clerk receives such affidavit along with such other information or evidence, she shall schedule such application for the next available Board meeting at which time the Board shall make a case-by-case determination, and may grant or deny the request for the extreme hardship waiver.
5. If the Board approves a waiver under section 4, and the Board determines that the grounds are likely to re-occur, the Board may amend this Resolution to incorporate such grounds for the extreme hardship waiver(s).



6. Because the Base Fees may be new to some persons, an applicant who would qualify for an extreme hardship waiver who has paid the required Base Fee(s) may request an extreme hardship refund if application for such refund is made within the calendar year that the Base Fee payment was made to the District.
7. No extreme hardship waivers or credits shall be granted no matter the justification and compliance with section 1 or 4, above, except during the calendar year during which the Base Fee(s) was originally owed to the District.
8. No person obtains any vested or other right to a waiver or credit provided for in this Resolution; any decision of the Board with respect to any such waiver or credit shall be final.

Approved and dated this 10<sup>th</sup> day of December, 2015.



Mark Harris, Director and Chairman



Bruce Bonar, Director



Richard Bowman, Director

Attest:   
Shaunalee Kronkright, District Clerk