

## **Authority to Terminate Water Service**

After careful review of the Texas Administrative Code, Title 30 Environmental Quality, Part 1 Texas Commission on Environmental Quality, Chapter 291 Utility Regulations, the Forrest Lake Townhouse Association is NOT subject to said regulations as we do not submeter utility service or use point-of-use submeters.

Therefore, the Association may continue to terminate water service to homeowners who fail to pay their Maintenance Charges in accordance with Article XXII Maintenance Fund of the Association's By-Laws passed by the Board on December 18, 2013 and Articles 5 and 6 of the RESERVATIONS, RESTRICTIONS AND EASEMENTS.

All homeowners have a grace period until the tenth (10th) of each month to pay the Maintenance Charge in full. After the opening of the Association office on the eleventh (11th) day, or the first (1st) business day following the tenth (10th) of each month, any Maintenance Charge not paid will be deemed delinquent and is subject to a late charge equal to ten (10) percent of the monthly Maintenance Charge.

On the eleventh (11th) day of each month, or the first (1st) business day following the eleventh (11th) day, an appropriate notice will be provided to any Owner that is determined to be delinquent. The notice shall advise the Owner that payment must be made in full by the twenty-first (21st) day of the month, or the first (1st) business day following the twenty-first (21st) day of each month, to avoid termination of water service to the Owner's Townhouse.

The Association may determine that the water service to a Townhouse should be turned off as a result of the failure to pay the Maintenance Charge, late fee, or any other fees or fines owed to the Association. The determination to terminate water service to a Townhouse shall be based upon the following schedule:

- The Owner has not paid the current month's Maintenance Charge in full;
- The Owner has incurred three (3) months of late fees; or
- The Owner has not paid any fees or fines within 90 days of the date they were incurred.

The Board shall vote to determine which delinquent Townhouses shall have their water service terminated. On the twenty-first (21st) day of each month, or the first (1st) business day following the twenty-first (21st) day of each month, those Townhouses that are found to be delinquent shall have the water service to the Townhouse cut off and a reconnection fee, as determined by the Board, will become due prior to reconnection. Once the delinquency is satisfied by payment to the Association of all amounts due, including the reconnection fee, water service will be restored to the Townhouse.

Owners may request a payment plan to repay their past due Maintenance Charges, late fees, any other fees, or fines on an account. All payment plans shall be prepared in accordance with the Payment Plans Policy adopted by the Association. Any Owner who desires a payment plan must contact the Association

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directly to request payment arrangements. In accordance with Subsection 209.0062 of the Texas Property Code, the payment plan must be at least three (3) months but not longer than eighteen (18) months in duration from the date of the Owner's request for a payment plan regardless of the amount owed by the Owner without accruing additional monetary penalties. Reasonable costs for administering the payment plan or accrued interest are not considered monetary penalties. The Association is not required to enter into a subsequent payment plan with an Owner if the Owner failed to honor the terms of a previous payment plan and it has been less than two (2) years since the Owner's default under the previous payment plan.