

AMENDED IN ASSEMBLY FEBRUARY 7, 2002

AMENDED IN ASSEMBLY JULY 19, 2001

AMENDED IN ASSEMBLY JULY 2, 2001

CALIFORNIA LEGISLATURE—2001–02 SECOND EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Simitian

May 16, 2001

An act to amend Section 110 of, and to add Section 110.5 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Simitian. Water and sewer service.

The Water Measurement Law currently establishes the goal that water meters measuring the quantity of water furnished or delivered, be installed on all new water connections to a water purveyor. Existing law finds and declares that waste or unreasonable use of water imposes unnecessary and wasteful consumption of energy to deliver or furnish the water. Existing law requires, with specified exceptions, that water purveyors, as a condition of a new water service, require that a water meter be installed on a water service facility, as defined.

This bill would require, except where unfeasible in high rise structures, water purveyors who deliver water service to any person residing in a multiunit residential structure, ~~as specified,~~ to require the installation of submeters as a condition of new water service. The bill would authorize the owner or operator of a multiunit residential structure without water submeters, *under specified conditions*, to charge tenants separately for water and sewer service, using an

allocation formula based on either a unit’s square footage or number of tenants. *This bill would provide that local laws, codes, ordinances, or controls, existing as of the bill’s effective date, would not be affected by its provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 110 of the Water Code is amended to
2 read:

3 110. (a) Notwithstanding any other provision of law, every
4 water purveyor who sells, leases, rents, furnishes, or delivers water
5 service to any person shall require, as a condition of new water
6 service on and after January 1, 1992, that a suitable water meter to
7 measure the water service shall be installed on the water service
8 facilities in accordance with Chapter 8 (commencing with Section
9 500). The cost of installation of the meter shall be paid by the user
10 of the water, and any water purveyor may impose and collect
11 charges for those costs.

12 (b) In order to reduce the unreasonable use of water and
13 wasteful consumption of energy, every water purveyor who sells,
14 leases, rents, furnishes, or delivers water service to any person
15 residing in a multiunit residential structure for which a
16 construction permit has been issued on or after January 1, ~~2004~~
17 ~~2006~~, shall require the installation of submeters as a condition of
18 new water service to that person, except where plumbing
19 configurations with multiple points of entry in high rise structures
20 make the installation of submeters unfeasible.

21 (c) For the purposes of this section, “water purveyor,”
22 “person,” “water service,” and “water meter” have the same
23 meaning as defined in Article 2 (commencing with Section 510)
24 of Chapter 8.

25 (d) Subdivisions (a) and (b) apply only to potable water.

26 (e) Subdivisions (a) and (b) do not apply to a community water
27 system which serves fewer than 15 service connections used by
28 yearlong residents or regularly serves fewer than 25 yearlong
29 residents, or a single well which services the water supply of a
30 single family residential home.



1 (f) *This section does not preempt, limit, supplant or supersede*
2 *local laws, codes, ordinances, or controls, existing as of the*
3 *effective date of the act amending this section in the 2001–02*
4 *Second Extraordinary Session.*

5 SEC. 2. Section 110.5 is added to the Water Code, to read:

6 110.5. (a) The owner or operator of a multiunit residential
7 structure without water submeters may charge tenants separately
8 for water and sewer service as determined by an allocation formula
9 that reflects the square footage of the unit or the number of tenants
10 residing in the unit-, *under the following conditions:*

11 (1) *The owner or operator shall provide a copy of the*
12 *master-meter water and sewer bill to the resident upon request and*
13 *shall provide the calculation used for determining each resident’s*
14 *allocation of the bill.*

15 (2) *The residential rental property owner or operator shall*
16 *indicate in all advertisements for vacant units that the rental does*
17 *not include water or sewer charges, which will be billed*
18 *separately.*

19 (3) *Water and sewer charges shall only be billed to a tenant*
20 *upon a change in the terms of the tenancy. Under a*
21 *month-to-month contract, the owner or operator shall give a*
22 *tenant at least 60 days written notice prior to assessing new water*
23 *or sewer charges.*

24 (4) *Tenants shall not be charged an administrative or billing fee*
25 *associated with water or sewer charges, by the property owner or*
26 *operator.*

27 (5) *Prior to the inception of a tenancy, the residential rental*
28 *property owner or operator shall disclose the water and sewer*
29 *billing arrangement in the lease or rental agreement with the*
30 *tenant.*

31 (6) *Any separately billed water or sewer charges shall not be*
32 *deemed to be included in the rent charged for the residential rental*
33 *unit, if at the time of the initial separate billing of any water and*
34 *sewer charges the rent charged under the rental agreement is*
35 *simultaneously reduced by an amount equal to the charges*
36 *separately billed.*



1 ***(b) This section does not preempt, limit, supplant, or supersede***
2 ***local laws, codes, ordinances or controls, existing as of the***
3 ***effective date of the act adding this section.***

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