

AMENDED IN ASSEMBLY MARCH 23, 2011

AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 19**

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**Introduced by Assembly Member Fong**

December 6, 2010

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An act to add Chapter 8.5 (commencing with Section 537) to Division 1 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as amended, Fong. Building standards: water meters: multiunit structures.

The Water Measurement Law requires every water purveyor to require, as a condition of new water service on and after January 1, 1992, the installation of a water meter to measure water service. That law also requires urban water suppliers to install water meters on specified service connections, and to charge water users based on the actual volume of deliveries as measured by those water meters in accordance with a certain timetable.

This bill would require a water purveyor that provides water service to a multiunit residential structure or mixed-use residential and commercial structure that is part of a common interest development that submits an application for a water connection after January 1, 2014, to require the installation of a water meter, as defined, to measure water supplied to each individual dwelling unit as a condition of new water service. The bill would require a water purveyor that provides water service to a *newly constructed* multiunit residential structure or *newly constructed* mixed-use residential and commercial structure that is not

part of a common interest development that submits an application for a water connection after January 1, 2014, to either adopt a general policy to require the installation of either a water meter, *as defined*, or a submeter, as defined, to measure water supplied to each individual dwelling unit, or to inform, on an individual basis, an applicant for new water service as to whether a water meter or submeter is required to be installed for each individual dwelling unit. The bill would require the owner of the structure to ensure that a water submeter installed for these purposes complies with laws and regulations governing installation, approval of meter type, maintenance, reading, billing, and testing of water submeters. The bill would except certain buildings from these requirements.

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

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

1 SECTION 1. Chapter 8.5 (commencing with Section 537) is  
2 added to Division 1 of the Water Code, to read:

3  
4 CHAPTER 8.5. MULTIUNIT STRUCTURES

5  
6 537. (a) The following definitions govern the construction of  
7 this chapter:

8 (1) “Master meter” means a meter that measures water usage  
9 for an entire property or structure, which may include common  
10 areas, and is read by the water purveyor.

11 (2) “Meter” has the same meaning as “water meter” in Section  
12 516 of the Water Code.

13 (3) “Submeter” means a device that measures water consumption  
14 of an individual unit within a master-metered structure, and is read  
15 by the owner of the structure or the owner’s agent.

16 ~~(b) (1) Section 538 controls the obligation of a water purveyor~~  
17 ~~with respect to service provided to a multiunit residential structure~~  
18 ~~or mixed-use residential and commercial structure that is part of~~  
19 ~~a common interest development.~~

20 ~~(2) Section 539 controls the obligation of a water purveyor with~~  
21 ~~respect to service provided to a multiunit residential structure or~~  
22 ~~mixed-use residential and commercial structure that is not part of~~  
23 ~~a common interest development.~~

1 (e)

2 (b) Structures in all of the following categories shall be exempt  
3 from the provisions of this chapter:

4 (1) Low-income housing. For purposes of this paragraph,  
5 “low-income housing” means a residential building financed with  
6 low-income housing tax credits, tax-exempt mortgage revenue  
7 bonds, general obligation bonds, or local, state, or federal loans  
8 or grants, for which the rents of the occupants in lower income  
9 households, as defined in Section 50079.5 of the Health and Safety  
10 Code, do not exceed rents prescribed by deed restrictions or  
11 regulatory agreements pursuant to the terms of the financing or  
12 financial assistance, and for which not less than 25 percent of the  
13 dwelling units within the building are designated for occupancy  
14 by lower income households, as defined in Section 50079.5 of the  
15 Health and Safety Code.

16 (2) Student dormitories.

17 (3) Long-term health care facilities, as defined in Section 1418  
18 of the Health and Safety Code.

19 (4) Time-share property, as defined in subdivision (aa) of  
20 Section 11212 of the Business and Professions Code.

21 (c) *This chapter does not apply to a structure that is greater  
22 than four stories in height above grade if the owner, or his or her  
23 agent, demonstrates to the satisfaction of the water purveyor that  
24 the structure’s plumbing configuration incorporates multiple points  
25 of entry in each dwelling unit and renders the installation of  
26 submeters infeasible.*

27 (d) A meter or submeter used to measure water supplied to an  
28 individual residential unit that is required to be installed by a water  
29 purveyor pursuant to this chapter, shall be of a type approved  
30 pursuant to Section 12500.5 of the Business and Professions Code,  
31 and shall be installed and operated in compliance with regulations  
32 established pursuant to Section 12107 of the Business and  
33 Professions Code.

34 ~~538. Except as provided in Section 537, each water purveyor~~  
35 ~~that sells, leases, rents, furnishes, or delivers water service to a~~  
36 ~~multiunit residential structure or mixed-use residential and~~  
37 ~~commercial structure that is part of a common interest development~~  
38 ~~for which an application for a water connection or connections is~~  
39 ~~submitted after January 1, 2014, shall require the installation of a~~

1 ~~water meter to measure water supplied to each individual dwelling~~  
2 ~~unit as a condition of new water service.~~

3 ~~539. (a) Except as provided in Sections 537 and 538, each~~

4 ~~538. Each water purveyor that sells, leases, rents, furnishes,~~  
5 ~~or delivers water service to a *newly constructed* multiunit~~  
6 ~~residential structure or *newly constructed* mixed-use residential~~  
7 ~~and commercial structure for which an application for a water~~  
8 ~~connection, or more than one connection, is submitted after January~~  
9 ~~1, 2014, shall require the installation of a water meter or submeter~~  
10 ~~to measure the water supplied to each individual dwelling unit as~~  
11 ~~a condition of new water service by doing either of the following:~~

12 (1) Adopt a general policy to determine when the installation  
13 of either a water meter or submeter to measure water supplied to  
14 each individual dwelling unit shall be required. The water purveyor  
15 shall inform all local building departments within its service area  
16 of the policy.

17 (2) On an individual basis, and upon receipt of an application  
18 for new water service to the structure, inform the applicant, and  
19 the appropriate local building department, as to whether a water  
20 meter or submeter is required to be installed to measure water  
21 supplied to each individual dwelling unit in the structure.

22 (b) (1) If the water purveyor requires installation of submeters  
23 pursuant to subdivision (a), the owner of the structure shall ensure  
24 that each submeter installed complies with all laws and regulations  
25 governing installation, approval of meter type, maintenance,  
26 reading, billing, and testing of water submeters.

27 (2) This subdivision does not require a water purveyor to fund  
28 or assume responsibility for ensuring compliance with any law or  
29 regulation governing installation, approval of submeter type,  
30 maintenance, reading, billing, and testing of water submeters and  
31 associated onsite plumbing.

32 (c) A water purveyor shall not charge an owner of a structure,  
33 or his or her agent, a fee, charge, or assessment, either directly or  
34 indirectly, for the installation, approval, connection, or use of a  
35 submeter that is installed by the owner or his or her agent. This  
36 subdivision shall not be construed to restrict the authority of a  
37 water purveyor to collect fees or charges for meters or connection  
38 and installation of meters, or other fees or charges associated with  
39 providing and maintaining water service, as described in the water  
40 purveyor's authorized tariffs or rates.

1 (d) This section shall not restrict the authority of a water  
2 purveyor to adopt and implement a program for the use of water  
3 meters or submeters for multiunit residential structures or  
4 mixed-use residential and commercial structures that promotes  
5 water conservation, at least as stringently, as the requirements of  
6 this section.

7 ~~(e) This section does not apply to a structure described in~~  
8 ~~subdivision (a) that is greater than four stories in height above~~  
9 ~~grade if the owner, or his or her agent, demonstrates to the~~  
10 ~~satisfaction of the water purveyor that the structure's plumbing~~  
11 ~~configuration incorporates multiple points of entry in each dwelling~~  
12 ~~unit and renders the installation of submeters infeasible.~~

13 540.

14 539. It is the intent of the Legislature that this chapter should  
15 not be construed to impose costs on any local government agency,  
16 except to the extent that the local government agency is a water  
17 purveyor subject to subdivision (a) of Section 538.

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