

AMENDED IN SENATE JUNE 9, 2011
AMENDED IN ASSEMBLY APRIL 11, 2011
AMENDED IN ASSEMBLY MARCH 14, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 741

Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Ma, Miller, and Wagner)
(Coauthor: Senator Harman)

February 17, 2011

An act to *amend Section 5464 of, and to add Section 5465 to, the Health and Safety Code, relating to wastewater.*

LEGISLATIVE COUNSEL'S DIGEST

AB 741, as amended, Huffman. Onsite wastewater disposal.

Existing law prohibits the discharge of sewage or other waste, or the effluent of treated sewage or other waste, in any manner that will result in contamination, pollution, or a nuisance. Under existing law, when the State Department of Public Health or any local health officer finds that a contamination exists, the department or the officer is required to order the contamination abated, as provided.

Under existing law, an owner or reputed owner of property included within an assessment district for construction of a main trunkline or collector sewer lines may request the governing board to construct all necessary plumbing to connect his or her property to the adjoining public sewer system, the cost of which constitutes a lien on the property. *Under existing law, as an alternative to the enforcement of the lien, the governing body of the public agency is authorized to provide for the payment of costs prior to the construction and connection or in*

installments over a period, not to exceed 15 years, and to provide a rate of interest not to exceed 6% per annum, as specified.

This bill would allow the installments to be over a period not to exceed 30 years and at a rate of interest not to exceed 12%. The bill would also authorize defined entities to use this provision for the purpose of converting properties from onsite septic systems and connecting them to the sewer system and for replacing or repairing existing sewer laterals connecting pipes to a sewer system.

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 5464 of the Health and Safety Code is
2 amended to read:

3 5464. ~~Any~~An owner or reputed owner, who has his or her
4 property included within an assessment district for the construction
5 of a main trunkline or collector sewer lines, may request the
6 governing board to construct all necessary plumbing to connect
7 his or her property to the adjoining street public sewer system.
8 The person employed by the governing board to do the work shall
9 have a lien upon the property, for work done and materials
10 furnished, and the work done and materials furnished shall be
11 deemed to have been done and furnished at the request of the
12 owner, reputed owner, or person claiming or having ~~any~~ an interest
13 in the property. The governing board may pay all, or any part, of
14 the cost or price of the connection to the person or persons who
15 furnished labor, materials, or equipment and, to the extent that the
16 governing board pays the cost or price of the connection, it shall
17 succeed to and have all the rights, including the lien, of the person
18 or persons against the property and the owner or reputed owner of
19 the property.

20 As an alternative power to the enforcement of the lien provided
21 for in this section, the governing body of the public agency
22 performing the work of connection to the public sewer may, by
23 the power of ordinance approved by two-thirds vote of the members
24 of the legislative body, fix the cost of improvement for connection
25 to the sanitation or sewerage facilities, fix the times at which such
26 costs shall become due, provide for the payment of the costs prior
27 to the construction and connection or in installments over a period,

1 not to exceed ~~15~~ 30 years, provide a rate of interest, not to exceed
2 6 12 percent per annum, to be charged on the unpaid balance of
3 the costs, and provide that the amount of the costs and the interest
4 shall constitute a lien against the respective lots or parcels upon
5 which the facilities are constructed.

6 The governing body may use the procedures specified in Section
7 5474 to implement the levying of the costs for the construction
8 and connection of the premises to the public sewer.

9 ~~SECTION 1.~~

10 *SEC. 2.* Section 5465 is added to the Health and Safety Code,
11 to read:

12 5465. (a) The procedures specified in this section may be used
13 by a public agency that is an entity, as defined in Section 5470.

14 (b) An entity may use the procedures specified in Section 5464
15 for either of the following purposes, whether or not an order or
16 other action has been issued or taken for an abatement of
17 contamination created by sewage disposal:

18 (1) Converting properties from onsite septic systems and
19 connecting them to a sewer system. The conversion improvements
20 and costs may include, but are not limited to, pipes, pumps, and
21 other equipment, septic system abandonment, and associated
22 sewage treatment capacity.

23 (2) Replacing or repairing existing sewer laterals connecting
24 pipes to a sewer system. The cost of the lateral replacement or
25 repair shall constitute the cost of an improvement for connection
26 to a sewer system.

27 (c) For purposes of this section, and in addition to any other
28 power, an entity may exercise the powers specified in Article 4
29 (commencing with Section 5470).

30 (d) The authority granted by this section shall be in addition to,
31 shall not be in derogation of, and shall not affect, any authority
32 granted by other law relating to recovering the cost incurred by an
33 entity for connecting properties to the public sewer system, or the
34 entity's exercise of powers pursuant to any other law. This section
35 shall be deemed to provide a complete and supplemental method
36 for exercising the powers authorized by this section, and shall be
37 deemed supplemental to the powers conferred by other applicable
38 laws.

39 (e) For purposes of this section, the following definitions shall
40 apply:

1 (1) “Assessment district” as used in statutes referenced in this
2 section also means an improvement district or any other area served
3 by the entity’s sewer collection system.

4 (2) “Governing board” and “governing body” mean the
5 governing body of the entity.

6 (3) “Ordinance” as used in statutes referenced in this section
7 also means a resolution.

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