

MINUTES OF THE MEETING OF THE
WATER SUSTAINABILITY COMMITTEE OF THE
BOARD OF DIRECTORS OF THE
VISTA IRRIGATION DISTRICT

April 29, 2014

A meeting of the Water Sustainability Committee of Vista Irrigation District was held on Tuesday, April 29, 2014, at the offices of the District, 1391 Engineer Street, Vista, California.

1. CALL TO ORDER

Chair Vasquez called the meeting to order at 10:07 a.m.

2. ROLL CALL

Committee members present: Vásquez and Franklin.

Committee members absent: None.

Staff present: Roy Coox, General Manager; Brian Smith, Director of Engineering; Brett Hodgkiss, Administrative Services Manager; Brent Reyes, Water Conservation Specialist, and Lisa Soto, Board Secretary.

Other attendees: None.

3. APPROVAL OF AGENDA

The agenda was approved as presented.

4. PUBLIC COMMENT TIME

No public comments were presented on items not appearing on the agenda.

5. CALIFORNIA-FRIENDLY LANDSCAPE CONTEST

See staff report attached hereto.

Mr. Hodgkiss provided the Committee with background about the California-Friendly Landscape Contest and how it was promoted by the District along with the other 12 participating agencies. Mr. Hodgkiss stated that the District received three applications by the deadline of April 7, 2014. Mr. Hodgkiss said that the Committee's charge is to select a winner to receive a \$250 gift certificate and a plaque at the May 14 Board meeting. Mr. Reyes explained the current landscape contest judging criteria. He reviewed photos of the applicants' properties taken prior to the installation of the new landscaping and the water usage data before and after the landscaping renovation at each property.

After discussion and careful consideration of the three applications, the Committee recommended that Dennis and Kathy Rogers be awarded a \$250 gift card and a plaque as the winner of the Vista Irrigation District 2014 California-Friendly Landscape Contest. The Committee commended the other two entries, and requested that honorable mention certificates be prepared and sent to each.

Mr. Hodgkiss stated that the winners will be honored at the next Board meeting on May 14, 2014, and again at the regional recognition ceremony on May 17 at the Water Conservation Garden at Cuyamaca College. Mr. Reyes added that all of the Regional winners will be featured on the California-Friendly Landscape Contest website. Chair Vásquez said he would like to let all of the VID customers know about the winning entry to inspire more conservation through water wise landscaping throughout the District. Mr. Hodgkiss said that the winning entry will be featured in an upcoming issue of the District's newsletter which is distributed to all of the District's customers.

6. SUB-METERING MULTI-UNIT RESIDENTIAL DEVELOPMENTS

See staff report attached hereto.

General Manager Roy Coox recalled that at the last Board meeting, Director Vasquez asked if the District could require metering of individual units within multi-unit residential developments as an additional means of water conservation in the District's service area. Director of Engineering Brian Smith stated that the District's Rules and Regulations currently allows the contractor to decide whether to install individual meters or one master meter for multi-unit complexes. Mr. Smith said that the cost of individually metering each unit is rarely done because the cost is prohibitive. Mr. Smith used the 407 unit apartment complex that prompted the discussion at the last Board meeting as an example. He stated that the cost associated with installing individual District meters for the individual units would be significantly higher than installing a master meter primarily due to the difference in capacity fees. For example, two 4" master meters could be installed to provide water to 407 individual units, and the capacity fees (Vista Irrigation District and San Diego County Water Authority) would be about \$324,000. He noted that on the other hand, the capacity fees to install individual meters for each unit (407 5/8" meters) would be over \$3.3 million.

Mr. Smith reviewed Senate Bill 750 (SB 750) which would require the installation of a water sub-meter for individual residential units within a newly constructed multi-unit residential development or a mixed-use residential and commercial development. The bill passed in the Senate and was ordered to the Assembly where it was referred to the Housing and Community Development and Water, Parks and Wildlife committee. The measure was passed by the Housing and Community Development Committee and re-referred to the Water, Parks and Wildlife Committee where it failed to pass but reconsideration was granted. This bill has been given a two-year status.

Mr. Smith said that SB 750 is very similar to the ordinance adopted by the City of San Diego in 2010 which requires sub-meters to be installed so water use in individual dwelling units within a multi-unit residential development could be measured. This ordinance is applicable to new and existing (under certain circumstances) multi-unit residential developments with three or more dwelling units. Mr. Hodgkiss said that other than the City of San Diego, Staff's research did not find examples of any other water agencies regionally that require the installation of individual water meters or sub-meters for individual units within a multi-unit residential development.

Staff discussed sub-metering, which involves meters for each unit which are not VID meters. These meters are installed by the developer and are not controlled or monitored by VID. Mr. Smith said studies have shown that water sub-meters are associated with decreased water usage. He cited a 2004 Aquacraft Inc. study which showed water savings of 15.3% when comparing sub-metered properties with rental properties that do not bill water separately from rent. Mr. Smith said that he spoke with officials at the City of Vista about sub-metering multi-unit residential developments. He was told that the City currently does not require sub-metering, and due to the added cost of construction, the City does not plan on implementing such a requirement until required by State law. Mr. Smith said that he was also told that City of Vista staff are tracking SB 750 closely.

Mr. Smith noted that in a 2010 report to the San Diego City Council, it was estimated that construction costs would increase by approximately 2% if sub-meters were required to be installed in multi-unit residential developments. Mr. Hodgkiss reviewed the types of buildings which are exempt from the City of San Diego ordinance, such as high rises with boiler rooms, affordable housing projects, and some other types of facilities. It was noted that SB 750 would exempt similar types of facilities.

Mr. Smith noted that with regard to sub-metering, this is not a requirement that can be imposed by VID, as it is not within the District's jurisdiction. Mr. Smith said that the City of Vista would have to entertain whether or not to impose this type of requirement on developers. Mr. Coox said that most jurisdictions are waiting to see what happens with SB 750. If SB 750 is passed, then the City of Vista and VID would work together to put the legislation in action.

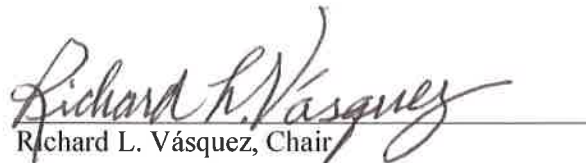
Chair Vásquez asked that staff prepare a report for the next Board meeting as an informational item reflecting the Committee's discussion. The Committee asked to review the report prior to it being presented to the Board.

7. COMMENTS BY COMMITTEE MEMBERS

Mr. Coox informed the Committee that the District received a communication from ACWA requesting all of its member agencies pass resolutions encouraging their customers to conserve water. Mr. Coox said that ACWA provided sample resolutions. Mr. Coox said that he believed that since the District already has a Water Supply Response Program in place with actions that are required for each Level, the District is already beyond the resolution language suggested by ACWA. Mr. Coox said that he believed that adopting such a resolution might be confusing for the District's customers leading them to believe that conservation is voluntary. The Committee agreed that adopting the resolution suggested by ACWA would not be necessary for the District.

8. ADJOURNMENT

There being no further business to come before the Committee, at 11:04 a.m. Chair Vásquez adjourned the meeting.


Richard L. Vásquez, Chair

ATTEST:



Lisa R. Soto, Secretary
Board of Directors
VISTA IRRIGATION DISTRICT



**WATER CONSERVATION &
SUSTAINABILITY COMMITTEE
STAFF REPORT**

Agenda Item: 5

Meeting Date: April 29, 2014
Prepared By: Brett Hodgkiss
Reviewed By: Eldon Boone
Approved By: Roy Coox

SUBJECT: 2014 CALIFORNIA-FRIENDLY LANDSCAPE CONTEST

RECOMMENDATION: Review submittals and select a winner of Vista Irrigation District's 2014 California-Friendly Landscape Contest.

PRIOR BOARD ACTION: At its May 22, 2013 meeting, the Board awarded a gift certificate to the winner of Vista Irrigation District's 2013 California-Friendly Landscape Contest.

FISCAL IMPACT: \$250 for the landscape contest is included in the budget.

SUMMARY: The District was asked to take part in the 2014 California-Friendly Landscape Contest jointly coordinated and promoted, but individually judged, by participating agencies. The District accepted the invitation and joined twelve other local agencies (Helix Water District, Olivenhain Municipal Water District, Otay Water District, Padre Dam Municipal Water District, San Dieguito Water District, Santa Fe Irrigation District, Sweetwater Authority, Vallecitos Water District, California American Water, and the cities of Escondido, Oceanside and San Diego) in participating in the landscape contest. The landscape contest winner receives a \$250 gift certificate to a local nursery from the participating agency.

DETAILED REPORT: In 2009, the Water Authority announced that it would stop coordinating and funding the regional contest, thus leaving it up to each agency to administer their own contest. As a result, only a few agencies continued to administer a contest. The District was asked and accepted an invitation from participating agencies to partake in the 2013 contest and agreed to provide a \$250 award to the contest winner, consistent with the award amount given by all participating agencies.

The District agreed to participate in the 2014 landscape contest. Promotional materials were mailed to customers who participated in the Metropolitan Water District of Southern California's turf removal program, the District's artificial turf program and past landscape contest participants. Additional landscape contest promotional efforts included: issuing a joint news release with other participating agencies, placing promotional materials in the lobby and announcing the contest on the District's web site. The District received three applications by the April 7, 2014 deadline.

Water Conservation and Sustainability Committee members Vásquez and Franklin are the judges for the contest. A gift certificate will be presented to the landscape contest winner at the May 14, 2014 Board meeting. The winner will also be invited to partake in a ceremony recognizing all participating agencies' winners at the Water Conservation Garden on May 17, 2014. The winner's landscape will also be featured at www.landscapecontest.com.

ATTACHMENTS: California-Friendly Landscape Contest Applications

California-Friendly Landscape Contest

Sponsored by local water agencies

CONTEST ENTRY DEADLINE: APRIL 7, 2014

Entrant's name

Barbara Baskin

Entrant's daytime phone

[Redacted]

Property address: number and street

[Redacted]

Entrant's e-mail address

[Redacted]

City and zip code

[Redacted]

Irrigation system in place and approximate irrigation schedule

Sprinklers in front lawn, drip system side & backyards. Prefer using hose water only during very dry spells.

Approximate date of landscape installation or re-landscaping project

Ongoing process, which began in ~~2010~~²⁰⁰⁹ and 2nd half completed this month.

By signing the contest application, I authorize publication of photographs I submitted (or those taken by others) of my landscape, and my name and my address for the purpose of promoting water conservation programs.

Removed lawn, and water sucking plants, replaced with Rock & drought resistant plants.

Check here to have your address withheld from publication of results or promotional materials.

MARK BASKIN 3-18-2014

Signature of account holder

MARK BASKIN

Date signed

Required materials to include with this signed application form:

- 5-10 Photos of your landscape including at least one overall view
- List of the water-wise plants in your landscape
- A copy of your water bill ** Vista Irrigation will provide copy of water bill.*
- A written explanation of why you elected to install a California-friendly landscape, the design and installation process and any unsuspected benefits? **We want to hear your story!**

How did you hear about this landscape contest? (Example: Poster at a local garden and district newsletter)

Send your application with other required materials to your servicing water agency listed below:

Note: Only these water agencies are participating in this contest.

California American Water
525 B Street, Suite 300, MS 906
San Diego, CA 92101
JoEllen Jacoby (619) 533-7548

Helix Water District
7811 University Ave
La Mesa, CA 91942
Josiane Ross (619) 667-6271

San Dieguito Water District
160 Calle Magdalena
Encinitas, CA 92024-3721
Felice Tackhill (760) 633-2676

sent to
Vista Irrigation District
1391 Engineer St.
Vista, CA 92081
Brent Reyes (760) 597-3107

City of Escondido
201 North Broadway
Escondido, CA 92025
Kim Silva (760) 839-4076

Olivenhain MWD
1966 Olivenhain Road
Encinitas, CA 92024
Teresa Chase (760) 632-4641

Santa Fe Irrigation District
P.O. Box 409
Rancho Santa Fe, CA 92067-0409
Jessica Parks (858) 227-5799

City of San Diego
525 B Street, Suite 300, MS 906
San Diego, CA 92101
JoEllen Jacoby (619) 533-7548

Otay Water District
2554 Sweetwater Springs Blvd
Spring Valley, CA 91978
Richard Namba (619) 670-2730

Sweetwater Authority
P.O. Box 2328
Chula Vista, CA 91912
Doug Roberts (619) 409-6881

City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054
Kathleen Coogan (760) 435-5857

Padre Dam MWD
P.O. Box 719003
Santee, CA 92072
Melissa McChesney

Vallecitos Water District
201 Vallecitos De Oro
San Marcos, CA 92069
Alicia Yerman (760) 744-0480

Thank you for sharing your story, inspiring others and promoting water efficient landscape designs.

March 20, 2014

Our Story

I heard about your California-Friendly Landscape Contest last month when I went into the VID office to pay my water bill. It got me to asking myself if we had made any changes in our yard that have made a difference in water conservation. We bought our home in 2009. The existing landscaping consisted of dead grass, weeds and over grown begonias. At first we spent a lot of time and money trying to water our yard back to life. Then we got our first couple of water bills! We had to make a change that also made a statement about who we were. There were other reasons to change the way we were thinking about our landscaping. Our weather is changing, we are getting older, the economy is not what it was, all great reasons to conserve our time, money and natural resources.

For the past four years I had a vegetable garden in the back yard. I recently removed the vegetable garden in another step to save money and time. I have three large planter pots with the seasonal herbs we use in our daily cooking. The remaining area has been transformed from a vegetable garden into a place to reflect and relax. It will be exciting when everything begins to adapt and flourish. The remaining back yard is concrete patios, sidewalks and decks which don't need watering. This is where we can sit and enjoy watching the herons and ducks in the creek that is within view of our deck.

Many friends, family and neighbors have given us gifts of plants from their own yards so our yard is just as much a part of our life history as the photos hanging on our walls. Working in my yard is a time when my thoughts are focused on the needs of each of my plants. And yet as I tend each plant I also think of the relationships in my life. I see life from a gardeners' perspective. Am I nurturing those I love just as mindfully and tenderly as my plants?

It has been a four and a half year process and we are not done yet! We have turned a yellow dried out lawn and unfruitful clay soil into a rock garden full of color and life. It took courage because we were afraid a rock garden meant dry, dead or unimaginative. We like all kinds of plants and contrasting colors and heights, we appreciate nature, from the baby rabbits on our lawn to the baby lizards sunning on our drift wood. We collect rocks and sea shells, so our yard needed to be a reflection of who we are while being tasteful.

The unsuspected benefits of all our hard work has been meeting our neighbors, building a stronger bond with my husband as we work side by side and having fun with our family experiencing each new bloom or growth spurt. Our neighbors stop by often just to tell us how much they enjoy our yard and appreciate our hard work. We have received two Pride of Ownership awards from our HOA for our work in our yard. We never thought that would happen! What we have gained is much more than saving water and money, we have gained friendships, better health and a yard we enjoy and are proud of. We believe we are doing our part to conserve on water and landscaping costs, have improved our neighborhood, relieve our stress and manage our time and money more efficiently.

List of Plants

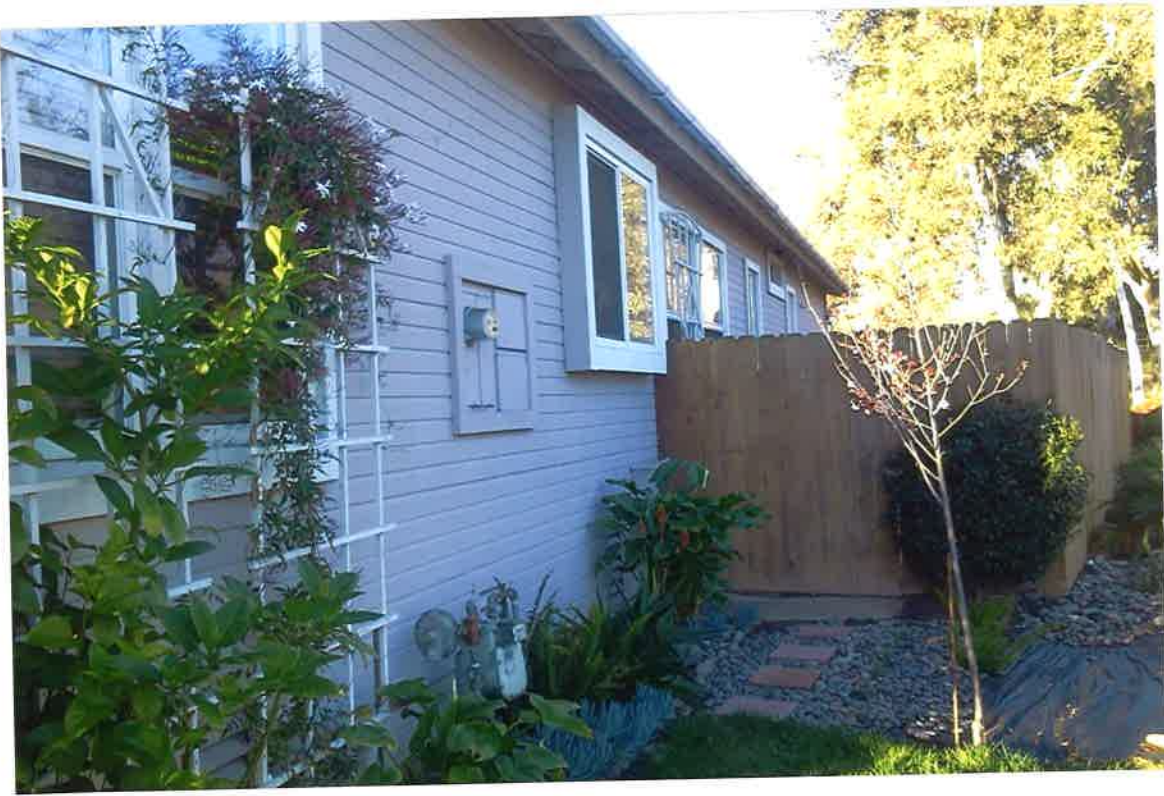
- Artichoke
- Asparagus Fern
- Aloe Vera
- Agave
- African Daisy
- Blue Chalk Ice Plant
- Blue Fescue
- Japanese Plum Tree
- California Poppy
- Icelandic Poppies
- Hibiscus
- Pink Jasmine - *so fragrant!*
- Pigmy Palms
- Rosemary
- Spanish Heather } *fresh & fragrant*
- Lavender
- Honeysuckle - *nice scent too!*
- Lantana
- Bougainvillea
- Ornamental Banana Tree
- Saga Palms
- Lilies- these were transplants that are growing surprisingly well in our clay soil. We have a few shady areas that stay moist (actually grows moss in two areas) and rarely needs water.
- Kangaroo Paw
- Various succulents
- Pod carious trees
- Giant White Bird of Paradise
- Korean grass and ornamental grass just planted- we will see if they survive.
- Plumeria

Between 2009 and present we have been removing the lawn at both sides of our front yard, and also directly in front of porch and replacing with stepping stones, rocks , large drift wood, granite boulders and plants. Our yard is always in process and adapting to the soil, weather and our watering schedule.

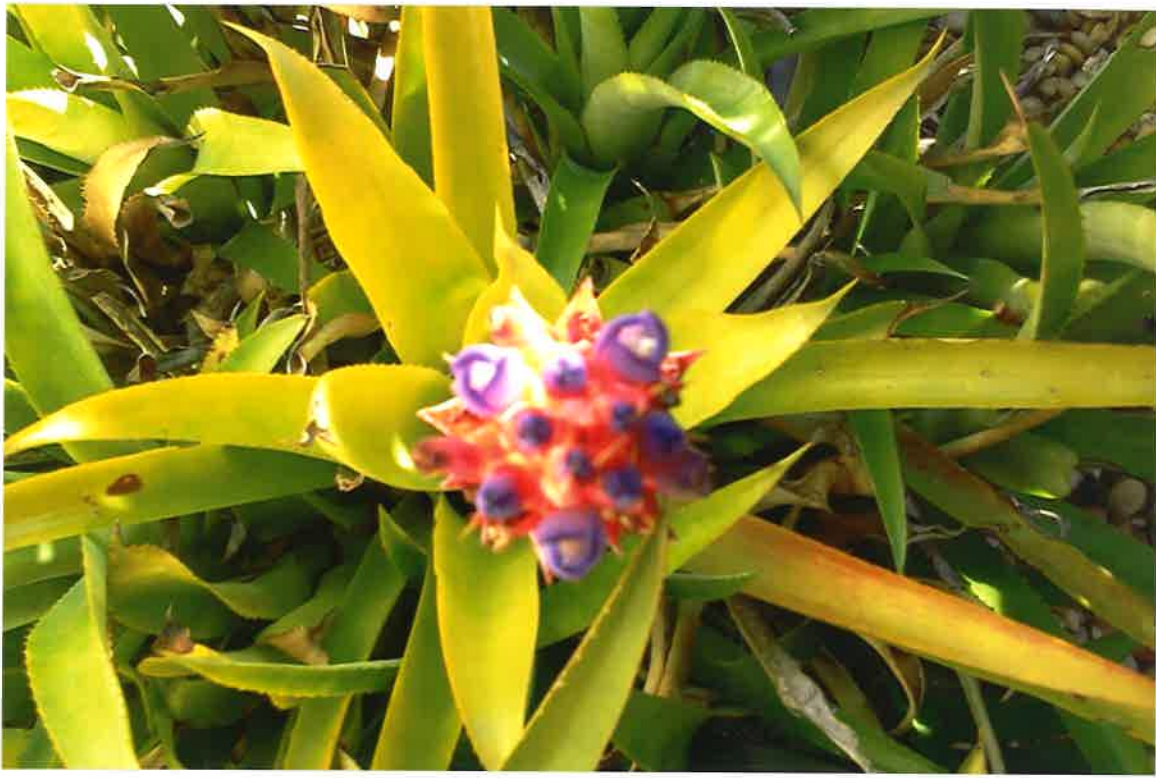
Some plants are set in the ground in planters. When purchasing plants we choose those that once established are drought resistant. Some plants have been gifts. Our backyard has no lawn and consists of concrete patio areas, wooden decks and sidewalks. We have a sprinkler system in the front yard. We prefer watering our plants only when needed with a hose. If a plant is newly planted it is watered once a week until established. In general we water once or twice a month. For example: we watered our front lawn about a week before the last rains and still have not watered it since the rainfall. So it has been about three weeks or longer since the lawn has been watered.

Brief
Re-landscaping Project
Irrigation schedule







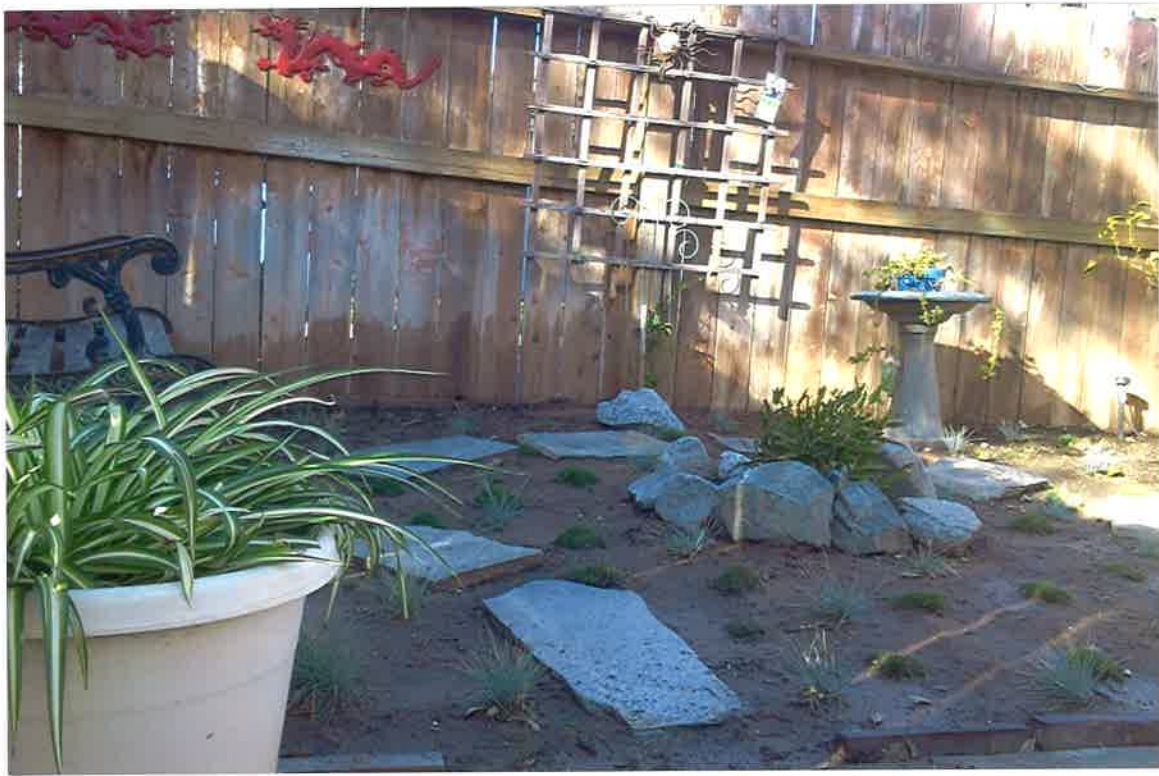














CONTEST ENTRY DEADLINE: APRIL 7, 2014

Entrant's name Bob and Sherri Pflibsen
phone [redacted]

daytime

[redacted]

Entrant's e-mail address, Bob, [redacted] and
Sherri [redacted]

Irrigation system in place and approximate irrigation schedule, Mostly 1/4 inch drip, bubblers for the pigmy palms and 36" stakes for the Queen Palms

Approximate date of landscape installation or re-landscaping project, December 2013

By signing the contest application, I authorize publication of photographs I submitted (or those taken by others) of my landscape, and my name and my address for the purpose of promoting water conservation programs.

Check here to have your address withheld from publication of results or promotional materials.

Bob Pflibsen
Signature of account holder

3/24/14
Date signed

Required materials to include with this signed application form:

- 5-10 Photos of your landscape including at least one overall view
- List of the water-wise plants in your landscape
- A copy of your water bill
- A written explanation of why you elected to install a California-friendly landscape, the design and installation process and any unsuspected benefits? **We want to hear your story!**

How did you hear about this landscape contest? (Example: Poster at a local garden and district newsletter)

Brent Reyes

Send your application with other required materials to your servicing water agency listed below:
Note: Only these water agencies are participating in this contest.

California American Water
525 B Street, Suite 300, MS 906
San Diego, CA 92101
JoEllen Jacoby (619) 533-7548

300 North Coast Hwy
Oceanside, CA 92054
Kathleen Coogan (760) 435-5857

Otay Water District
2554 Sweetwater Springs Blvd
Spring Valley, CA 91978
Richard Namba (619) 670-2730

P.O. Box 409
Rancho Santa Fe, CA 92067-0409
Jessica Parks (658) 227-5799

City of Escondido
201 North Broadway
Escondido, CA 92025
Kim Silva (760) 839-4076

Helix Water District
7811 University Ave
La Mesa, CA 91942
Josiane Ross (619) 667-6271

Padre Dam MWD
P.O. Box 719003
Santee, CA 92072
Melissa McChesney
(619) 258-4680
San Dieguito Water District
160 Calle Magdalena
Encinitas, CA 92024-3721
Felice Tackhill (760) 633-2676

Sweetwater Authority
P.O. Box 2328
Chula Vista, CA 91912
Doug Roberts (619) 409-6881

City of San Diego
525 B Street, Suite 300, MS 906
San Diego, CA 92101
JoEllen Jacoby (619) 533-7548

Olivenhain MWD
1966 Olivenhain Road
Encinitas, CA 92024
Teresa Chase (760) 632-4641

Vallecitos Water District
201 Vallecitos De Oro
San Marcos, CA 92069
Alicie Yerman (760) 744-0460

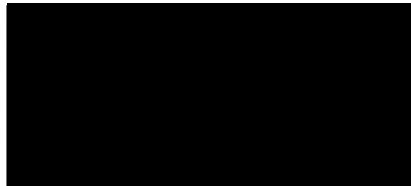
City of Oceanside

Santa Fe Irrigation District

Vista Irrigation District

Brent Reyes
Vista Irrigation District
1391 Engineer St.
Vista, CA 92081

Bob and Sherri Pflibsen



March 25, 2014

Re: California-Friendly Landscape Contest

Dear Mr. Reyes,

We installed a California-friendly landscape after we realized that our lawn was using a lot of water, maintenance costs, and the turf was infrequently used. Our desire was to have lower watering by using succulent plants, palms, local Vista rocks and gravel. The result has been original, beautiful and better than our expectations.

We installed a dry river bisecting the yard and using round river rock. Already established are six Queen Palms. We added 7 Pigmy Palms and one Pony Tail palm as a centerpiece. We planted over 100 water wise succulents and tried to use an "underwater" theme with plants as they resemble coral and other sea vegetation. The succulents are Senecio Anteuphobium, Gollum, Baby Toes, Blue Elf, Echeveria Gibbiflora, Notocactus Magnifica, Dwarf Chin, Echinopsis, Blue Agave, Pig's Ear, Aloe Red, Echeveria Glauca, Baby Surprise, Allegra, Cobweb, Aloinopsis Luckoffi, Euphorbia Enopola, Mouse Tail Cactus, Senecio Jacobsenii, Euphorbia Lactea Cristata, Rhipsalis Cereuscula, Neon Breakers, Split Rock, Spiralis Cristata, Silver Coral, Rhipsalis Cereuscula, Senecio Vitalis, Sea Star, Fire Sticks,

Fire and Ice, Medusa, Star Fish Aloe, Wandering Jew and more. We never knew succulents were so colorful and flower bearing.

We used local natural Vista rock to add hardscape and make small retaining walls(to prevent runoff), planter rings, and planted four large rocks of interest. All the rocks were placed and the walls were fitted without mortar.

Most plants have a drip water system using 1 gallon an hour emitters. There are a few micro sprayers for areas where drip did not make sense. The Queen Palms have 36" water stakes, that are used to fertilize and water the deep roots. We placed weed barrier on the entire yard and gravel on the open areas. The new succulents have taken off and bearing flowers that we never expected to see. We renegotiated our gardener bill and now save \$420 per year!

This year's winter water bill does not reflect water savings due to the lack of rain and drought. We have had to keep our irrigation system "on" to water the surrounding ground cover and fruit trees. Normally, we turn off the irrigation system in the winter, as we did last year. Subsequently, we have used more water this year than last. Before we removed our turf in this area, we would water everyday for 10 minutes in the summer to keep it green. Last summer, with our new landscape, we only watered every 8th day for 10 minutes. We have also planted 8 fruit trees(two avocados) and a year around organic vegetable garden which requires more water.

The "California-Friendly Landscape" project has had an unsuspected benefit by putting us in a mindset to proceed in a direction of being "greener". We installed a photovoltaic power system on our home and have really enjoyed it, and it is performing better than planned. Recently, we have started three compost bins and are finding many things to compost that we did not consider before, for example, newspapers, leaves and junk

mail. Composting lessens our trash quantity and also our use of chemical fertilizers. Thus we pollute our ocean less and less trash for the landfills.

Finally, we are very happy with our change from turf to a more friendly, water wise design with plenty of color and life.

Sincerely,



Bob
Sheri



















California-Friendly Landscape Contest

Sponsored by local water agencies

CONTEST ENTRY DEADLINE: APRIL 7, 2014

Entrant's name

Entrant's daytime phone

DENNIS + KATHY ROGERS

Property address: number and street

Entrant's e-mail address

City and zip code

Irrigation system in place and approximate irrigation schedule

NO IRRIGATION SYSTEM IN PLACE - HAND WATERING DURING EXTENDED DRY PERIODS.

Approximate date of landscape installation or re-landscaping project

OLD FRONT YARD REMOVED/GRADED APRIL 2013 (APPROX.)

By signing the contest application, I authorize publication of photographs I submitted (or those taken by others) of my landscape, and my name and my address for the purpose of promoting water conservation programs.

Check here to have your address withheld from publication of results or promotional materials.

Signature of account holder

Date signed

Required materials to include with this signed application form:

5-10 Photos of your landscape including at least one overall view

List of the water-wise plants in your landscape

A copy of your water bill

A written explanation of why you elected to install a California-friendly landscape, the design and installation process and any unsuspected benefits? **We want to hear your story!**

How did you hear about this landscape contest? (Example: Poster at a local garden and district newsletter)

BRENT REYES SAW OUR YARD & SENT US A LETTER w/APP.

Send your application with other required materials to your servicing water agency listed below:

Note: Only these water agencies are participating in this contest.

California American Water
525 B Street, Suite 300, MS 906
San Diego, CA 92101
JoEllen Jacoby (619) 533-7548

Helix Water District
7811 University Ave
La Mesa, CA 91942
Josiane Ross (619) 667-6271

San Dieguito Water District
160 Calle Magdalena
Encinitas, CA 92024-3721
Felice Tackill (760) 633-2676

Vista Irrigation District
1391 Engineer St.
Vista, CA 92081
Brent Reyes (760) 597-3107

City of Escondido
201 North Broadway
Escondido, CA 92025
Kim Silva (760) 839-4076

Olivenhain MWD
1966 Olivenhain Road
Encinitas, CA 92024
Teresa Chase (760) 632-4641

Santa Fe Irrigation District
P.O. Box 409
Rancho Santa Fe, CA 92067-0409
Jessica Parks (858) 227-5799

City of San Diego
525 B Street, Suite 300, MS 906
San Diego, CA 92101
JoEllen Jacoby (619) 533-7548

Olay Water District
2554 Sweetwater Springs Blvd
Spring Valley, CA 91978
Richard Namba (619) 670-2730

Sweetwater Authority
P.O. Box 2328
Chula Vista, CA 91912
Doug Roberts (619) 409-6881

City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054
Kathleen Coogan (760) 435-5857

Padre Dam MWD
P.O. Box 719003
Santee, CA 92072
Melissa McChesney
(619) 258-4680

Vallecitos Water District
201 Vallecitos De Oro
San Marcos, CA 92069
Alicia Yerman (760) 744-0460

Thank you for sharing
your story, inspiring
others and promoting
water efficient
landscape designs.

See contest guidelines, judging criteria, landscaping tips and more at www.landscapecontest.com.

Our Story...

When we bought our home 2 years ago. The property had been vacant for a couple of years and the yard was a mess. The landscape consisted of 3 large/1 small diseased overgrown pine trees, a slope full of weeds and gopher holes. We had the trees removed and mulched for ground cover. The slope was graded to improve drainage.

We hired a landscape architect to design a front yard that would be water-wise, functional and beautiful. We decided to have them only remove the trees, asphalt driveway, install cement driveway, build the retaining wall/gravel parking area and grade the slope.

We chose to landscape the front yard ourselves. What a fun adventure! Our selection of plants remind us of the local mountains and canyons where we enjoy camping and backpacking. We also had approximately 20 tons of rock brought in that Dennis "planted" to use as a back-drop for our plants; we had the tree trunks cut over-sized so we could use several of them as a 2nd retaining wall for one of the "trails".

We searched local nursery's (Orange and San Diego county) for southern California native plants and used as many as we could find that were compatible with our soil. We found a large quantity of those plants, and so many wonderful ideas, at Waterwise Botanicals in Escondido.

We find our front yard to be quite a sanctuary for us and several species of birds (especially humming birds), lizards and rabbits. We enjoy walking the "trails" of our front yard and watching the plants grow and flourish. It feels very much like we are hiking in the local mountains.

Hope you enjoyed reading our story and photographs. The pictures don't quite do the yard justice and you are welcome to come by for a "hike". We often have neighbors or passers-by stop and inquire about our yard; the types of plants, who our landscaper is or just to tell us how great they think the yard looks. It has been a lovely adventure! Now, we must begin the back yard.

Cheers...

A handwritten signature in blue ink that reads "Dennis & Kathy Lopez". The signature is written in a cursive, flowing style.

California-Friendly Landscape Contest 2014

Participants: Dennis & Kathy Rogers



List of water wise plants

Sage (salvia):

Cleveland sage (local CA. species)
Basin Big Sage (Ca. mountain/canyon species)
Bee's Bliss/creeping sage
Canyon sage (Local species)
Mexican Bush sage

Chaparral species:

California Buckwheat (local species)
California Prostrate Buckwheat (local species)
California Chemise (local species)
Ceanothus/California lilac (local species)
Coast Sage(s) (Australia)

- Wynyabbie Gem
- westringia fruitcosa
- westringia variegatta

Silver sage

Cactus/succulents:

Oputina / Prickly Pear cactus (various species incl. 3 native So. CA. species)
Barrel cactus
Mexican fence post cactus
Blue organ pipe cactus
Cholla (local So. Ca, species)
False Saguaro

Agave:

Americana
Angustifolia Marginata
Agave Attenuata
Agave Parassana
Blue

Euphorbia:

Candelabra cactus
Pencil cactus
Resin spurge
Lime lines
False Ocotillo (African Ocotillo)

Yucca:

Narrow leaf
Red yucca
Silver Spoon
Yucca rigidia

Other Plants:

Mexican Palo Verde Trees
Misc. small succulent species
Pride of Madera
Red Fountain grass













**WATER CONSERVATION &
SUSTAINABILITY COMMITTEE
STAFF REPORT**

Agenda Item: 6

Meeting Date: April 29, 2014
Prepared By: Brett Hodgkiss/Brian Smith
Reviewed By: Eldon Boone
Approved By: Roy Coox

SUBJECT: SUB-METERING MULTI-UNIT RESIDENTIAL DEVELOPMENTS

RECOMMENDATION: Receive informational report regarding metering or sub-metering individual units within multi-unit residential developments.

PRIOR BOARD ACTION: At its April 16, 2014 meeting, the Board requested that the Water Sustainability Committee review the issue of metering or sub-metering individual units within multi-unit residential developments and present a final report to the Board.

FISCAL IMPACT: None.

SUMMARY: During the discussion of a waterline project for an apartment complex, Director Vasquez asked about metering individual units within a multi-unit residential development. The Board and staff briefly talked about the challenges and costs related to providing a District meter to individual units within multi-unit residential developments as well as the City of San Diego's sub-metering requirement for multi-unit residential developments. The Board requested that staff research the issue of metering/sub-metering individual units within multi-unit residential developments and review their findings with the Water Sustainability Committee. The Board also requested that a final report be presented to them at a future meeting.

DETAILED REPORT: Staff has completed its preliminary research into this topic. Staff could not find any examples of water districts requiring the installation of individual water meters for individual units within a multi-unit residential development. Additionally, staff surveyed local water districts to see if they currently required sub-meters to be installed in multi-unit residential developments. None of the water agencies that responded are requiring the installation of sub-meters.

As discussed at the April 16, 2014 Board meeting, the City of San Diego adopted an ordinance in 2010 that requires sub-meters be installed so water use in individual dwelling units within a multi-unit residential development could be measured. This ordinance is applicable to new and existing (under certain circumstances) multi-unit residential developments with three or more dwelling units. A copy of the ordinance is attached for reference.

In February 2013, Senator Lois Wolk introduced Senate Bill 750 which would require the installation of a water sub-meter for individual residential units within a newly constructed multi-unit residential development or a mixed-use residential and commercial development. The bill passed in the Senate and was ordered to the Assembly where it was referred to the Housing and Community Development and Water, Parks and Wildlife committee. The measure was passed by the Housing and Community Development Committee and re-referred to the Water, Parks and Wildlife Committee where it failed to pass but reconsideration was granted. This bill has been given a two-year status.

ATTACHMENTS:

1. City of San Diego Ordinance
2. Senate Bill 750

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 6, ARTICLE 7, DIVISION 1 OF THE MUNICIPAL CODE; AMENDING CHAPTER 6, ARTICLE 7 BY ADDING NEW DIVISION 6; AMENDING CHAPTER 14, ARTICLE 7, DIVISION 4 BY ADDING NEW SECTION 147.0410; ALL RELATING TO WATER SUBMETERING.

WHEREAS, the San Diego region is heavily reliant on imported water, importing as much as 90% of its water from outside the County; and

WHEREAS, increased water conservation is necessary to ensure sufficient water resources for current and future residents of the City of San Diego; and

WHEREAS, nearly 50% of the residents of the City of San Diego live in multi-family residential or mixed-use buildings where water consumption in each individual unit is not measured; and

WHEREAS, the cost of water and sewer service for multi-family residential and mixed-use buildings is often divided among the individual units without regard for the actual volume of water consumed in the unit; and

WHEREAS, charging individual residential units in multi-family residential and mixed-use buildings based on the actual amount of water consumed will create a financial incentive for residents of multi-family residential units to conserve water; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 7, Division 1 of the San Diego Municipal Code is amended by amending Section 67.0102:

§67.0102 Water System – Definitions

The words and phrases used in this Article have the meanings set forth in this section.

Applicant through Fire Service Connection [No change in text.]

Fixed charges means the charges in the *master bill* that do not vary with the volume of water consumed.

Legal or Equitable Owner through Manager [No change in text.]

Master bill means the bill received by the *submeter operator* from the City of San Diego or other utility retailer.

Service Connection through Shut Off Valve [No change in text.]

Submeter means a device for recording the volume of water consumed in each residential unit in a multi-family residential property that is owned or operated by the *submeter operator*.

Submetered consumer means any person who receives water through a *submeter* and is responsible to pay a *submeter operator* for *utility services*.

Submeter operator means a *consumer* who has an account with the City of San Diego or other utility retailer for *utility service*, and owns or manages a multi-family residential building with a separate *submeter* for each residential unit.

Submeter system means any system for measurement of the volume of water consumed by the occupants of each individual residential unit through the use of water *submeters*.

Utility service means separately or in any combination, water service, sewer service, and storm water service.

Variable charges means the charges in the *master bill* that vary depending on the volume of water consumed.

Water System [No change in text.]

Section 2. That Chapter 6, Article 7, Division 6 of the San Diego Municipal Code is created by adding Sections 67.0601 through 67.0608.

§67.0601 Purpose and Intent

This Division is adopted to encourage water conservation in multi-family residential and mixed-use buildings by requiring the use of water *submeters* for individual residential units. Billing individual residential units based on the actual amount of water consumed in the unit will create a financial incentive for residents of multi-family residential units to conserve water.

§67.0602 Application

- (a) This Division applies to multi-family residential and mixed-use buildings where *submeters* have been installed to measure water consumption by individual residential units. This Division does not apply to mobile home parks or to residential units designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency.
- (b) Nothing herein shall be construed to limit or alter any existing regulations related to testing and oversight of *submeters* by the California Department of Food and Agriculture, Division of Measurement Standards.

§67.0603 Submeter Billing

- (a) Every *submeter operator* shall bill each *submetered consumer* either monthly or bi-monthly for *utility service* based on water consumption recorded by the *submeters*.
- (b) The *submeter operator* shall bill each *submetered consumer* a portion of the *fixed charges*, calculated by dividing the total *fixed charges* equally among the total number of residential units and non-residential units without *submeters*, if any, which do not receive a separate *master bill*.
- (c) The *submeter operator* shall bill each *submetered consumer* for *variable charges* at the same rate charged in the *master bill*. In the event a *submeter* reading is unavailable, the *submeter operator* shall bill the *submetered consumer* based on a reasonable estimate of water consumption.
- (d) The *submeter operator* may charge an administrative fee for the actual third party costs of reading *submeters* and providing billing services, up to a maximum of \$4.00 per *submetered consumer* per month. The maximum administrative fee shall increase by \$0.25 on January 1, 2011 and by \$0.25 every three years thereafter.
- (e) The *submeter operator* may charge a *submetered consumer* a late fee not to exceed \$10.00 per billing cycle in the event that the utility bill is not paid in full prior to the due date, which shall be no less than 19 days following the date of mailing or delivery of the bill.

- (f) This Division shall not preclude a *submeter operator* from paying some or all of the cost of *utility service* for a *submetered consumer* as an incentive to attract or retain tenants. While such an incentive is in effect, the *submeter operator* shall continue to provide each *submetered consumer* with a monthly or bi-monthly *submeter* bill pursuant to this Division, reflecting a credit for the portion of the bill paid by the *submeter operator*.

§67.0604 Contents of Submeter Bills

All utility bills prepared by a *submeter operator* pursuant to this Division must include all of the following itemized information:

- (a) The total amount due, separated into *fixed charges* and *variable charges*.
- (b) The beginning and ending *submeter* readings with the dates of the *submeter* readings.
- (c) The total amount of the *master bill*, including the total *fixed charges* and the total *variable charges*.
- (d) Any administrative fees or late fees being charged.
- (e) A statement that the bill is not from the local utility.
- (f) The name of the local utility providing the *utility services*.
- (g) Name of the entity preparing the *submeter* bill.
- (h) A toll free telephone number for inquiries and questions.
- (i) In situations where *submeter* readings cannot be obtained, a statement that the bill was estimated. In no event shall a *submeter* reading be estimated for more than three consecutive months.
- (j) The date the bill is due.

- (k) Any past due amounts.

§67.0605 Rental Agreements

All rental agreements that require tenants to pay for *utility service* in a multi-family residential building with a *submeter system* shall contain all of the following information:

- (a) A description of any administrative fees or late fees that will be assessed.
- (b) The name of the *submeter* billing provider (if any) that will be providing the *submeter* billing service as of the time the rental agreement is signed.
- (c) A specific reference to this Article.
- (d) A description of how *submeter* bills are calculated, including how *fixed charges* and *variable charges* are apportioned in pursuant to Section 67.0603.

§67.0606 Records

Submeter owners shall retain the *master bill* and copies of all *submeter* bills for at least one year after the date of the bill, and make such records available at the request of a *submetered consumer* upon three business days notice, either electronically or on paper, in addition to information about the *submeter system* that will allow the individual *consumer* to verify his or her charges. Nothing herein is intended allow a *submetered consumer* to obtain a copy of a *submeter* bill of another *submetered consumer*.

§67.0607 Violations

It is unlawful to violate any mandatory provision of this Division. Any violation that continues over more than one billing period of the *master bill* is considered a separate violation for purposes of enforcement.

Section 3. That Chapter 14, Article 7, Division 4 of the San Diego Municipal Code is amended by adding Section 147.0410. This section shall not apply to applications for development received by the City prior to the effective date of this ordinance:

§147.0410 Water Submeters

(a) Notwithstanding Section 147.0402, water *submeters* shall be installed in the following types of *development* to provide for the measurement of the volume of water used in each *dwelling unit*:

(1) New *multiple dwelling units* with three or more *dwelling units*.

(2) Existing *multiple dwelling units* with three or more *dwelling units* where the entire interior potable water supply piping is being replaced.

(i) This subsection does not apply to existing *multiple dwelling units* whose individual units are served by more than one cold water riser and one hot water riser system.

(b) Every water *submeter* shall be installed in accordance with Title 4, Division 9 of the California Code of Regulations, and such that the primary indicator or remote reader may be easily accessed and read by the occupant of the *dwelling unit*, and read by the owner or manager of the *multiple dwelling unit* without entering the *dwelling unit*.

- (c) Water *submeters* installed pursuant to this Section must be certified for use for commercial purposes pursuant to Section 12500.5 of the California Business and Professions Code, or any subsequent amendments.
- (d) For *development of dwelling units* designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency, *dwelling units* shall be pre-plumbed for water submeters. The requirement of this Section to install a water *submeter* shall only apply when a *dwelling unit* is no longer designated as affordable housing.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 5. That this ordinance shall take effect and be in force on June 1, 2010 from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Mark M. Mercer
Deputy City Attorney

TCZ:MMM:ca
02/04/10
04/07/10 REV.
Or.Dept: Water
O-2010-43
MMS #9248

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

10-19-11 11:20:00
TOP

AMENDED IN ASSEMBLY AUGUST 8, 2013

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE MAY 14, 2013

AMENDED IN SENATE APRIL 29, 2013

SENATE BILL

No. 750

Introduced by Senator Wolk
(Coauthor: Assembly Member Fong)

February 22, 2013

An act to add Chapter 2.5 (commencing with Section 1954.201) to Title 5 of Part 4 of Division 3 of, the Civil Code, and to add ~~Chapter 8.5~~ *Section 517 to, and Article 5* (commencing with Section 537) to *Chapter 8* of Division 1 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 750, as amended, Wolk. Building standards: water meters: multiunit structures.

(1) 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 newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure that submits

an application for a water connection after January 1, ~~2014~~ 2015, to require the installation of either a water meter, as defined, or a submeter, as defined, to measure water supplied *measurement of the quantity of water supplied* to each individual dwelling unit *and to permit the measurement to be by individual water meters or submeters, as defined.* 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~~ *submeter types or the installation*, maintenance, reading, billing, and testing of ~~water~~ submeters, including, but not limited to, the California Plumbing Code. The bill would exempt certain ~~buildings~~ *structures* from these requirements. The bill would prohibit a water purveyor from imposing an additional capacity or connection fee or charge for a submeter that is installed by the owner, or his or her agent. *The bill would provide that these provisions shall become operative on January 1, 2015.*

(2) Existing law generally regulates the hiring of dwelling units and, among other things, imposes certain requirements on landlords and tenants. Among these requirements, existing law requires landlords to provide tenants with certain notices or disclosures pertaining to, among other things, pest control and gas meters.

This bill would, if a water purveyor requires the installation of a meter or submeter, as specified, or a submeter has been installed, impose further requirements on landlords, relating to submetered water service to individual dwelling units. The bill would ~~prohibit a landlord from charging tenants separately for water service in a property with submeters unless the submetering system is installed, operated, and maintained~~ *require a landlord to install and operate submeters in prescribed dwelling units*, as specified. The bill would require a landlord to make certain disclosures to the tenant prior to the execution of the rental agreement, ~~including, among other things, that the tenant will be billed for water separately from the rent and that the tenant will also be billed for a portion of any recurring fixed charge billed to the property by the water purveyor, as specified~~ *if the landlord intends to charge a tenant separately from rent for water service in a property with submeters.* The bill would specify that *as part of the monthly bill for water service* a landlord may only bill a tenant for volumetric water usage, as specified, ~~and a portion of any recurring fixed charge billed to the property by the water purveyor, as specified, a billing, administrative, or other fee, as prescribed, and a late charge.~~ The bill would specify that ~~the landlord's billing cycle for water service must~~

~~match that of the water purveyor payments are required to be due at the same point in each billing cycle, as prescribed, and that each bill must include and separately set forth certain information. The bill would prohibit a landlord from charging certain additional fees related to water service, except as provided. The bill would require a landlord to maintain and make available installation, maintenance, and testing records in writing the date the submeter was last inspected, tested, and verified and the data used to calculate the tenant’s bill to a tenant upon the tenant’s written or electronic request, as specified. The bill would require a landlord to make certain repairs on the water system in a dwelling investigate, and if warranted, rectify, a condition that indicates that water is being distributed to the tenant not at his or her direction, as specified. The bill would permit a landlord to enter a unit for specified purposes relating to a submeter or water fixture provided that certain requirements are met. The bill would permit the assessment of administrative fees and late fees, as specified. The bill would provide that these provisions shall become operative on January 1, 2015.~~

In addition to actual damages, this bill would permit a tenant to recover from the landlord certain damages, costs, and fees for a violation of these provisions. The bill would authorize a city, county, city and county, or district to enforce these 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. Chapter 2.5 (commencing with Section 1954.201)
2 is added to Title 5 of Part 4 of Division 3 of the Civil Code, to
3 read:

4
5 CHAPTER 2.5. WATER SERVICE
6

7 1954.201. It is the intent of the Legislature in enacting this
8 chapter to do both of the following:

9 (a) To encourage the conservation of water in multifamily
10 residential rental buildings through means either within the
11 landlord’s or the tenant’s control.

12 (b) To ensure that the practices involving the submetering of
13 dwelling units for water service are just and reasonable, and include
14 appropriate safeguards for both tenants and landlords.

1 1954.202. As used in this chapter:

2 (a) “Billing agent” means a person or entity who contracts to
3 provide submetering services to a landlord, including billing.

4 (b) “Landlord” includes all agents of the landlord, billing agents,
5 and successors in interest to the real property interests of the
6 landlord. “Landlord” does not include a tenant who rents all or a
7 portion of a dwelling unit to subtenants. “Landlord” does not
8 include a common interest development, as defined in Section
9 4100 of the Civil Code.

10 (c) “Property” means real property containing two or more
11 dwelling units that is served by a single meter.

12 (d) “Rental agreement” includes a fixed-term lease.

13 (e) “Renting” includes leasing, whether on a periodic or
14 fixed-term basis.

15 (f) “Submeter” means a device that measures water consumption
16 of an individual rental unit within a multiunit residential structure
17 or mixed-use residential and commercial structure, and which is
18 owned and operated by the landlord. ~~“Submeter” includes
19 submeters, if more than one submeter is being used to measure
20 water usage in a particular dwelling unit.~~

21 (g) “Water service” includes any charges for other services,
22 including sewage or storm water services, that are based in whole
23 or in part on the volume of water usage recorded by a water meter
24 or submeter.

25 (h) “Water purveyor” means a water purveyor as defined in
26 Section 512 of the Water Code.

27 1954.203. (a) ~~A landlord shall not charge tenants separately
28 for water service in a property with submeters unless the
29 submetering system is installed, operated, and maintained~~ *subject*
30 *to this chapter shall install and operate submeters* as follows:

31 (1) The submeter is ~~certified~~ *inspected, tested, and verified* for
32 commercial purposes pursuant to law, including, but not limited
33 to, Section 12500.5 of the Business and Professions Code.

34 (2) The installation conforms to all laws, including, but not
35 limited to, regulations established pursuant to Section 12107 of
36 the Business and Professions Code. *However, the installation need
37 not comply with a requirement that an outside faucet be under the
38 exclusive use of the tenant, provided that the tenant is notified
39 upon commencement of the tenancy that water dispensed from the
40 faucet shall be charged to the tenant. The landlord shall establish*

1 *reasonable rules to prohibit the use of the faucet by any person*
2 *other than the tenant.*

3 ~~(3) The installation was performed by a registered service~~
4 ~~agency as defined in Section 12531 of the Business and Professions~~
5 ~~Code.~~

6 ~~(4) The submeter is operated in compliance with regulations~~
7 ~~established pursuant to Section 12107 of the Business and~~
8 ~~Professions Code.~~

9 ~~(5)~~

10 (3) The submeter for a dwelling unit measures only water that
11 is supplied for the exclusive use of the particular dwelling unit and
12 only to an area within the exclusive possession and control of the
13 tenant of the dwelling unit. *However, the installation need not*
14 *comply with a requirement that an outside faucet be under the*
15 *exclusive use of the tenant, provided that the tenant is notified*
16 *upon commencement of the tenancy that water dispensed from the*
17 *faucet shall be charged to the tenant. The landlord shall establish*
18 *reasonable rules to prohibit the use of the faucet by any person*
19 *other than the tenant.*

20 ~~(6)~~

21 (4) The primary submeter indicator or remote reader may be
22 easily accessed and read by the tenant of the dwelling unit, and
23 read by the owner landlord without entering the dwelling unit.

24 ~~(7)~~

25 (5) Each submeter is reinspected and recalibrated within the
26 time limits specified in law or regulation.

27 ~~(8)~~

28 (6) All plumbing fixtures and fittings within each dwelling unit
29 conform to all laws regarding habitability of dwellings and water
30 conservation.

31 (b) This section does not require a water purveyor to assume
32 responsibility for ensuring compliance with any law or regulation
33 governing installation, certification, maintenance, and testing of
34 submeters and associated onsite plumbing.

35 1954.204. Prior to executing a rental agreement, a landlord
36 that intends to charge a tenant separately *from rent* for water service
37 *in a property with submeters* shall clearly disclose the following
38 information to the tenant, in writing, in at least 10-point type, which
39 may be incorporated into the rental agreement:

- 1 (a) That the tenant will be billed for water service separately
2 from the rent.
- 3 ~~(b) The average bill for water service for units at the property~~
4 ~~over the most recent calendar year or, if the building is less than~~
5 ~~one year old, a portion of that calendar year.~~
- 6 (b) *An estimate of the monthly bill for water service for units*
7 *at the property, which may be expressed as a range with up to a*
8 *25 percent difference in average or median usage, determined by*
9 *either of the following:*
- 10 (1) *The average bill for water service for comparative units at*
11 *the property over three of the past six months.*
- 12 (2) *Using the national average of 3,600 gallons of water used*
13 *per unit per month as a basis for the bill and including any charges*
14 *pursuant to paragraphs (2) and (3) of subdivision (a) of Section*
15 *1954.205.*
- 16 ~~(c) The frequency of submeter readings.~~
17 ~~(d)~~
- 18 (c) *The due dates and payment procedures for bills for water*
19 *service.*
- 20 (e)
- 21 (d) *If a billing agent is used, the agent's name, address, email*
22 *address, normal hours of operation, and toll-free telephone number*
23 *of a toll-free telephone number or a local number for the tenant*
24 *to call the agent, and the days and hours the agent is available by*
25 *phone at either number for the tenant to contact the agent*
26 *regarding billing questions.*
- 27 (e) *That the monthly bill for water service may only include four*
28 *charges:*
- 29 (1) *Payment due for the amount of usage as measured by the*
30 *submeter, charged at the exact same rate or rates as the water*
31 *purveyor.*
- 32 (2) *Payment of a portion of the fixed fee charged by the water*
33 *purveyor for water service divided equally among all the units in*
34 *the property.*
- 35 (3) *A fee for the landlord's or billing agent's costs, up to four*
36 *dollars (\$4) per month or 40 percent of the amount billed for the*
37 *actual amount of water used, whichever is less.*
- 38 (4) *A late fee, with the amounts and times assessed, in*
39 *compliance with Section 1954.213.*

1 (f) The date the submeter was last ~~tested and calibrated~~
2 *inspected, tested, and verified*, and the date by which it must be
3 ~~retested and recalibrated under law~~ *reinspected, tested, and verified*
4 *under law, if available. If this information is not available, the*
5 *landlord shall disclose that the information is not available.*

6 ~~(g) A statement in substantially the following form:~~

7
8 ~~The landlord (or name of landlord) shall charge you (or name~~
9 ~~of tenant, or term used in the rental agreement for the tenant) for~~
10 ~~water use at the same rate that the (water purveyor) bills its~~
11 ~~customers for residential use. To find out what the rate charged~~
12 ~~by (water purveyor) is, contact (water purveyor) at (address),~~
13 ~~(telephone number).~~

14
15 ~~(h) A statement that the tenant shall be charged for water service~~
16 ~~at the exact rate or rates charged by the water purveyor serving~~
17 ~~the property.~~

18 ~~(i) A statement that the tenant shall also be charged for a portion~~
19 ~~of any recurring fixed charge billed to the property by the water~~
20 ~~purveyor and that the tenant's portion of the recurring fixed charge~~
21 ~~shall be proportional to the amount of water the tenant uses in~~
22 ~~relation to the usage for the entire property.~~

23 ~~(j) The current amount of the recurring fixed charge referred to~~
24 ~~in subdivision (i).~~

25 ~~(k) A statement that no other connection, disconnection, billing,~~
26 ~~or other periodic fee or charge, except for an administrative fee,~~
27 ~~a late fee, or a submeter testing fee, may be assessed. If the landlord~~
28 ~~reserves the right to charge an administrative fee or a late fee, the~~
29 ~~amount and terms of the administrative fee or the late fee shall~~
30 ~~also be disclosed.~~

31 ~~(l)~~

32 ~~(g) The location of the submeter, and directions on how to read~~
33 ~~the submeter.~~

34 ~~(h) A statement that if the tenant believes that the submeter~~
35 ~~reading is inaccurate or the submeter is malfunctioning, the tenant~~
36 ~~may contact the local county sealer and request that the submeter~~
37 ~~be tested. Contact information for the county sealer shall be~~
38 ~~included in the disclosure to the tenant.~~

39 ~~(i) A statement that this disclosure is only a summary of~~
40 ~~information that a landlord must provide to a tenant if the landlord~~

1 *intends to charge a tenant separately from rent for water service*
2 *in a property with submeters.*

3 1954.205. (a) ~~As part of a water service bill~~ *the monthly bill*
4 *for water service*, a landlord shall only bill a tenant for volumetric
5 *the following:*

6 (1) *Volumetric usage of water service pursuant to subdivision*
7 ~~(b) and for a portion of any (b).~~

8 (2) *Any recurring fixed charge for water service billed to the*
9 *property by the water purveyor pursuant to subdivision (f). The*
10 ~~landlord shall not impose any periodic, connection, termination,~~
11 ~~or other fee, however denominated, except for administrative fees,~~
12 ~~late fees, or testing fees as provided in this chapter. that, at the~~
13 *landlord's discretion, shall be calculated by either of the following:*

14 (A) *The proportion of the tenant's volumetric water use, as*
15 *shown on the submeter, in relation to the water use of the entire*
16 *property, as shown on the property's water meter.*

17 (B) *Dividing the total fixed charge equally among the total*
18 *number of residential units and non-residential units served by a*
19 *single meter operated by a water purveyor.*

20 (3) *A billing, administrative, or other fee for the landlord's and*
21 *billing agent's costs, not to exceed 40 percent of the amount billed*
22 *under paragraph (1) or four dollars (\$4), whichever is less.*
23 *Beginning January 1, 2018, the fee imposed pursuant to this*
24 *paragraph may be adjusted annually by the landlord commensurate*
25 *with an increase in the Consumer Price Index.*

26 (4) *A late charge as assessed pursuant to Section 1954.213.*

27 (b) *The amount of the volumetric portion of the bill shall be*
28 *calculated by multiplying the volume of water used, as determined*
29 *by the submeter for the billing period in question, by the rate or*
30 *rates for volumetric usage established by the water purveyor of*
31 *for water service for residential use the property.*

32 (c) *If the rate or rates established by the water purveyor change,*
33 *the bill shall be prorated to reflect the time each rate was in effect.*
34 *The landlord may assess charges for the entire billing period based*
35 *on the lower rate.*

36 (d) *If a submeter reading for the beginning or end of a billing*
37 *period is, in good faith, not available, the landlord may shall bill*
38 *the tenant 75 percent of the amount originally disclosed to the*
39 *tenant pursuant to subdivision (b) of Section 1954.204 according*
40 *to Section 1954.210.*

1 ~~(e) No charges shall be imposed under this chapter if readings~~
2 ~~have been unavailable for more than three months.~~

3 ~~(f) The amount of the recurring fixed charge for water service~~
4 ~~billed to the property by the water purveyor to be charged to the~~
5 ~~tenant shall be based on the proportion of the tenant's volumetric~~
6 ~~water use, as shown on the submeter, in relation to the water use~~
7 ~~of the entire property, as shown on the property's water meter.~~

8 *(e) This section shall apply to leases first entered into or*
9 *renewed on or after January 1, 2014. For leases first entered into*
10 *or renewed prior to January 1, 2014, this section shall apply but*
11 *the landlord may additionally bill the tenant for other charges as*
12 *provided in the lease, including, but not limited to, beginning and*
13 *ending water service.*

14 ~~1954.206. (a) The billing cycle for a water service bill pursuant~~
15 ~~to this chapter shall match that of the water purveyor.~~

16 ~~(b)~~

17 *1954.206. (a) Submeters shall be read within three days of the*
18 *same point in each billing cycle.*

19 ~~(e) Bills~~

20 *(b) Payments shall be due at the same point in each billing cycle.*
21 *However, bills payments shall be due no earlier than 10 days after*
22 *mailing, if mailed, or five days after personal delivery. A tenant*
23 *may agree in writing to receive a bill electronically, in which case*
24 *payments are due five days after electronic delivery. A tenant may*
25 *rescind authorization for electronic delivery of bills at any time.*
26 *A tenant shall not be required to pay bills electronically.*

27 ~~(d)~~

28 *(c) Bills shall include and separately set forth the following*
29 *information:*

30 *(1) The submeter readings for the beginning and end date and*
31 *ending date of the billing cycle, the dates read, and the indicated*
32 *consumption as determined by subtracting the amount of the*
33 *beginning date submeter reading from the amount of the ending*
34 *date submeter reading.*

35 *(2) The unit of measure for the readings and usage amounts*
36 *billed pursuant to paragraphs (1) to (4), inclusive, of subdivision*
37 *(a) of Section 1954.205.*

38 *(3) The rate or rates charged for the volumetric charge per unit*
39 *of measure.*

40 ~~(4) The amount of the current charges for volumetric use.~~

- 1 ~~(5) The amount of any recurring fixed charge for water service~~
2 ~~billed to the property by the water purveyor.~~
- 3 ~~(6) The total water consumption for the property, as indicated~~
4 ~~by the property's water meter.~~
- 5 ~~(7) The percentage of the total water consumption of the~~
6 ~~property that was consumed by the tenant.~~
- 7 ~~(8) The amount of current charges assessed to the tenant for the~~
8 ~~tenant's share of any recurring fixed charges for water service~~
9 ~~billed to the property by the water purveyor.~~
- 10 ~~(9) A separate entry showing past due amounts, if any.~~
- 11 ~~(10) A separate entry showing any previously imposed late~~
12 ~~charges.~~
- 13 *(4) The amount, if any, still owing from the previous month's*
14 *bill.*
- 15 *(5) The amount, if any, still owing from bills prior to the*
16 *previous month's bill.*
- 17 *(6) The late fee, if any, imposed on amounts specified in*
18 *paragraph (4) or (5).*
- 19 ~~(11)~~
- 20 *(7) The total amount due.*
- 21 ~~(12)~~
- 22 *(8) The due date for the bill payment.*
- 23 ~~(13)~~
- 24 ~~(9) A statement of the amount of any new late charges, if any,~~
25 ~~and when the late charges fees would apply. Late charges shall be~~
26 ~~imposed pursuant to Section 1954.212.~~
- 27 ~~(14)~~
- 28 ~~(10) The name, mailing address, email address, telephone~~
29 ~~number, and the regular business hours of the person or persons~~
30 ~~telephone hours during which the tenant may call with contact~~
31 ~~the billing agent with questions or concerns regarding the bill, and~~
32 ~~who is authorized to bill. The landlord or billing agent shall have~~
33 ~~in place procedures to make any necessary adjustments to the bill~~
34 ~~upon contact by the tenant. If a billing agent is used, the name of~~
35 ~~the entity shall also be disclosed and the telephone number of the~~
36 ~~billing agent shall be either a toll free or a local number for the~~
37 ~~tenant to contact the billing agent.~~
- 38 *(11) A statement that the biller is not the water purveyor that*
39 *includes the name of the local water purveyor providing the water*
40 *service to the master meter.*

1 ~~1954.207. A submeter shall be read within three days of the~~
2 ~~beginning or end of a tenancy to determine the amount of the first~~
3 ~~or last bill for water service. Tenancies that begin or end within~~
4 ~~three days of a normal reading may be billed as usual.~~

5 *1954.207. (a) At the beginning of a tenancy, a submeter shall*
6 *be read after the tenant takes possession. If a regular monthly*
7 *reading occurs less than five days prior to the tenant taking*
8 *possession, that reading may be substituted to establish usage.*

9 *(b) For a water-service bill at the end of a tenancy, the submeter*
10 *shall be read within five days, if possible. If the submeter cannot*
11 *be read within five days at the end of a tenancy, the bill amount*
12 *for the final month shall be based on the bill amount for the*
13 *previous month. Tenancies that end within five days of a regular*
14 *monthly reading may be billed according to that reading. At the*
15 *end of a tenancy, payment shall be due no earlier than 10 days*
16 *after mailing of the bill, if mailed, or five days after personal*
17 *delivery, or five days after electronic delivery.*

18 *1954.208. (a) A landlord shall not charge or recover, or allow*
19 *to be charged or recovered, any of the following:*

20 ~~(1) Any additional servicing, establishment, maintenance, meter~~
21 ~~reading, meter testing, billing, or submetering fees, or any other~~
22 ~~fee, including those charged by a billing agent, except as provided~~
23 ~~in Section 1954.210.~~

24 ~~(2) Any recovered fees billed to the landlord by the water~~
25 ~~purveyor, billing agent, or any other person for any deposit,~~
26 ~~disconnection, reconnection, late payment, or any other water~~
27 ~~service related purpose. penalty.~~

28 (b) This section does not prohibit a landlord from recovering
29 any costs listed in subdivision (a) that are incorporated into the
30 rent for a dwelling unit, if the rent is a fixed amount per rental
31 period, the charges are not listed separately, and the rental charges
32 are otherwise lawful.

33 *1954.209. The landlord shall maintain and make available in*
34 *writing, at the tenant's written or electronic request, within seven*
35 *days after the request, the following:*

36 ~~(a) All installation and maintenance records of the submeter in~~
37 ~~the tenant's dwelling unit, including the name, license number,~~
38 ~~and contact information of the registered service agency that~~
39 ~~installed or serviced the submeter.~~

- 1 ~~(b) The most recent test results of the submeter in the tenant's~~
- 2 ~~dwelling unit.~~
- 3 ~~(e) The method and sources used to determine the rate at which~~
- 4 ~~the tenant is charged for water.~~
- 5 ~~(a) The date the submeter was last inspected, tested, and verified~~
- 6 ~~for use, to the extent this information is available.~~
- 7 ~~(b) The data used to calculate the tenant's bill, as follows:~~
- 8 ~~(1) The most recent water bill for the property's master water~~
- 9 ~~meter showing the recurring fixed charge for water service billed~~
- 10 ~~to the property by the water purveyor, and the usage charges for~~
- 11 ~~the property, including any tiered amounts.~~
- 12 ~~(2) Any other bills for water service, as defined in subdivision~~
- 13 ~~(g) of Section 1954.202, for the property.~~
- 14 ~~(3) The number of units in the property.~~
- 15 ~~(4) If not shown on the bill for the property, the per unit charges~~
- 16 ~~for volumetric water usage, including any tiered amounts.~~
- 17 ~~(5) The formula used to calculate the charge for the tenant's~~
- 18 ~~volumetric water usage.~~
- 19 ~~1954.210. (a) If the water system in a dwelling unit does not~~
- 20 ~~function properly, including leaks, fixtures allowing unnecessary~~
- 21 ~~water consumption, or a malfunctioning submeter, the tenant may~~
- 22 ~~request that the landlord repair the problem. The landlord shall~~
- 23 ~~make the repairs within seven days.~~
- 24 ~~(b) A tenant may request that a landlord have a submeter tested~~
- 25 ~~for accuracy. The landlord shall respond to the request within seven~~
- 26 ~~days, and the test shall be carried out as soon as reasonably~~
- 27 ~~practicable. The test shall be performed by a registered service~~
- 28 ~~agency or other person authorized by law to perform the test. If~~
- 29 ~~the test shows that the submeter is inaccurate beyond the tolerances~~
- 30 ~~established by law, the landlord shall repair or replace the submeter.~~
- 31 ~~If the test shows the submeter was indicating more usage than the~~
- 32 ~~actual amount used and beyond established tolerances, the landlord~~
- 33 ~~shall refund the estimated overcharge to the tenant within 30 days~~
- 34 ~~of receipt of the results.~~
- 35 ~~(c) The landlord shall pay for the cost of the test if either:~~
- 36 ~~(1) The tenant requests the test because the submeter has~~
- 37 ~~indicated that water usage has increased more than 25 percent for~~
- 38 ~~two consecutive billing periods over the previous three billing~~
- 39 ~~periods.~~

1 ~~(2) The submeter is found to be inaccurate beyond the tolerances~~
2 ~~established by law.~~

3 ~~(d) The tenant shall pay for the test in all other cases, up to a~~
4 ~~maximum of seventy-five dollars (\$75).~~

5 ~~(e) The landlord is not required to test a submeter under~~
6 ~~subdivision (b) if the submeter was tested and found accurate~~
7 ~~within two years prior to the tenant's request and the landlord~~
8 ~~provides the written results of that test to the tenant. However, the~~
9 ~~landlord shall have the submeter tested if the tenant pays in advance~~
10 ~~for the entire cost of the test.~~

11 ~~1954.211. (a) A landlord may charge an administrative fee for~~
12 ~~the actual costs of reading submeters and providing billing services,~~
13 ~~up to a maximum of four dollars (\$4) per submetered tenant per~~
14 ~~month for water service bills totaling ten dollars (\$10) or more. If~~
15 ~~a water service bill totals nine dollars and ninety-nine cents (\$9.99)~~
16 ~~or under, a landlord may charge an administrative fee for the actual~~
17 ~~costs of reading submeters and providing billing services up to 40~~
18 ~~percent of the water service bill per submetered tenant per month.~~

19 ~~(b) Beginning January 1, 2017, an administrative fee imposed~~
20 ~~pursuant to this section may be adjusted annually by the landlord~~
21 ~~commensurate with an increase in the Consumer Price Index.~~

22 ~~1954.212. (a) A landlord may impose a late fee of up to 5~~
23 ~~percent for any water service bill not paid within 20 days of its~~
24 ~~due date. If the 20th day falls on a Saturday, Sunday, or holiday,~~
25 ~~the late fee shall not be imposed until the day after the first business~~
26 ~~day following the 20th day.~~

27 ~~(b) (1) Notwithstanding Section 1950.5, if a water service bill~~
28 ~~remains unpaid after the time described in subdivision (a) expires,~~
29 ~~the landlord may, in lieu of a late fee, deduct the amount due from~~
30 ~~the tenant's security deposit. The landlord may require an~~
31 ~~additional deposit of security following a deduction, if the deposit~~
32 ~~would be otherwise lawful under Sections 827 and 1950.5.~~

33 ~~(2) The landlord may also deduct an unpaid water service bill~~
34 ~~from the security deposit upon the ending of a tenancy, provided~~
35 ~~that the last water service bill showing the amount due is attached~~
36 ~~to the documentation required by Section 1950.5, and all the other~~
37 ~~requirements of that section are met.~~

38 ~~(c) If a water service bill remains unpaid for 30 days after its~~
39 ~~due date, the nonpayment shall constitute a curable breach of a~~

1 ~~material lease obligation. The landlord may commence an action~~
2 ~~to remedy the breach, as provided by law.~~

3 ~~(d) Water service charges under this chapter shall not constitute~~
4 ~~rent.~~

5 ~~(e) A landlord shall not shut off the water or otherwise interfere~~
6 ~~with the provision of water service to a dwelling unit for any~~
7 ~~reason, including nonpayment of a bill assessed pursuant to this~~
8 ~~chapter.~~

9 1954.210. (a) *If a tenant notifies the landlord, or the landlord*
10 *otherwise becomes aware, of a condition that indicates that water*
11 *is being distributed to the tenant not at his or her direction,*
12 *including, but not limited to, a leak, a drip, a running toilet, or a*
13 *submeter reading indicating constant or abnormal water usage,*
14 *the landlord shall investigate, and if warranted, rectify the*
15 *condition.*

16 (b) *If the condition is rectified more than 10 days after the initial*
17 *investigation, the tenant's volumetric usage for any month or*
18 *months that include the period between 10 days after the initial*
19 *investigation and the repair shall be deemed to be fifteen dollars*
20 *(\$15) or actual usage, whichever is less. At the landlord's option,*
21 *if submeter readings are available to determine the usage at a*
22 *point prior to investigation and a point following repair, usage*
23 *shall be deemed to be fifty cents (\$0.50) per day for those days*
24 *between the two submeter readings or actual usage, whichever is*
25 *less.*

26 (c) *If the condition remains unrectified for six months after*
27 *investigation, no further volumetric usage charges may be imposed*
28 *until the condition is repaired.*

29 1954.211. (a) *The landlord may enter the unit for the purpose*
30 *of installing, repairing, testing, and maintaining a submeter or for*
31 *the purpose of repairing or testing any water fixture suspected by*
32 *the landlord or reported by the tenant to be in need of repair,*
33 *provided the requirements of Section 1954 are met.*

34 (b) *The landlord may also enter a unit to read a submeter,*
35 *provided the requirements of this chapter and Section 1954 are*
36 *met.*

37 1954.212. (a) *If a monthly submeter reading necessary to*
38 *measure volumetric usage is unavailable, the landlord may bill*
39 *the tenant 75 percent of the average amount billed for volumetric*
40 *usage for the last three months for which complete billing*

1 *information is available. The landlord shall disclose the adjustment*
2 *on the bill.*

3 *(b) If no complete billing information is available for the prior*
4 *three months, the volumetric usage charge shall be deemed to be*
5 *50 cents (\$0.50) per day that the data is not available.*

6 *(c) If monthly submeter readings remain unavailable for more*
7 *than six months, the volumetric usage charge shall be deemed to*
8 *be zero for any subsequent month that the data is not available.*

9 *1954.213. (a) A landlord may impose a late fee for any water*
10 *service bill not paid within 20 days of its due date. If the 20th day*
11 *falls on a Saturday, Sunday, or holiday, the late fee shall not be*
12 *imposed until the day after the first business day following the*
13 *20th day.*

14 *(b) A late fee of up to seven dollars (\$7) may be imposed if any*
15 *amount of a bill remains unpaid after the time described in*
16 *subdivision (a). A late fee of up to ten dollars (\$10) may be imposed*
17 *if any amount remains unpaid after 50 days, as calculated in the*
18 *same manner as described in subdivision (a). If any partial*
19 *payments are made, they shall be credited against the bill that has*
20 *been outstanding the longest.*

21 *(c) (1) Notwithstanding Section 1950.5, if a water service bill*
22 *remains unpaid after the time described in subdivision (a) expires,*
23 *the landlord may, in lieu of a late fee, deduct the amount due from*
24 *the tenant's security deposit. The landlord may require an*
25 *additional deposit of security following a deduction, if the deposit*
26 *would be otherwise lawful under Sections 827 and 1950.5.*

27 *(2) The landlord may also deduct an unpaid water service bill*
28 *from the security deposit upon the ending of a tenancy, provided*
29 *that the last water service bill showing the amount due is attached*
30 *to the documentation required by Section 1950.5, and all the other*
31 *requirements of that section are met.*

32 *(d) If a water service bill remains unpaid for 30 days after its*
33 *due date, the nonpayment shall constitute a curable breach of a*
34 *material lease obligation. The landlord may commence an action*
35 *to remedy the breach, as provided by law.*

36 *(e) Water service charges under this chapter shall not constitute*
37 *rent.*

38 *(f) A landlord shall not shut off the water or otherwise interfere*
39 *with the provision of water service to a dwelling unit for any*

1 *reason, including nonpayment of a bill assessed pursuant to this*
2 *chapter.*

3 ~~1954.213.~~

4 *1954.214.* In addition to actual damages sustained by a tenant
5 for a violation of this chapter, the tenant may recover from the
6 landlord three times the amount of actual damages, reasonable
7 attorney's fees, and costs. The landlord may also be liable for a
8 civil penalty of up to one month's rent, unless the landlord shows
9 that the violation was made in good faith and not part of a pattern
10 and practice of violations of this chapter.

11 ~~1954.214.~~

12 *1954.215.* (a) A city, county, city and county, or district may
13 enforce this chapter.

14 (b) This chapter does not preclude or preempt an ordinance that
15 regulates the approval of submeter types or the installation,
16 maintenance, reading, billing, or testing of submeters and
17 associated onsite plumbing if the ordinance meets either of the
18 following requirements:

19 ~~(1) Is ordinance was adopted prior to January 1, 2013.~~

20 ~~(2) Meets or exceeds the minimum requirements provided by~~
21 ~~this chapter.~~

22 ~~1954.215.~~

23 *1954.216.* The rights or obligations established under this
24 chapter shall not be waived. Any purported waiver is void.

25 ~~1954.216.~~ This chapter applies only to property where
26 submeters have been installed or where a meter and submeters are
27 installed pursuant to Chapter 8.5 (commencing with Section 537)
28 of Division 1 of the Water Code.

29 *1954.217.* (a) *This chapter shall apply to both of the following:*

30 *(1) All dwelling units offered for rent or rented in a building*
31 *where submeters were installed pursuant to Article 5 (commencing*
32 *with Section 537) of Chapter 8 of Division 1 of the Water Code.*

33 *(2) All other dwelling units where a landlord has previously*
34 *installed and uses or voluntarily installs and uses a submeter to*
35 *charge a tenant separately for water service.*

36 *(b) Nothing in this chapter shall do the following:*

37 *(1) Apply to any building without submeters installed and in*
38 *use.*

39 *(2) Be construed to enlarge or diminish the rights or obligations*
40 *with respect to charges or allocation methods to determine water*

1 *service costs to tenants in a building without submeters installed*
2 *and in use.*

3 1954.218. *A submeter system that measures only a portion of*
4 *a dwelling unit's water usage, including, but not limited to, a*
5 *system that measures only hot water usage, shall not be subject to*
6 *this chapter, if the system is first put in service before January 1,*
7 *2014.*

8 1954.219. *This chapter shall become operative on January 1,*
9 *2015.*

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

12
13 ~~CHAPTER 8.5. MULTIUNIT STRUCTURES~~

14
15 537. (a) ~~The following definitions govern the construction of~~
16 ~~this chapter:~~

17 (1) ~~"Meter" has the same meaning as "water meter" in Section~~
18 ~~516.~~

19 (2) ~~"Submeter" means a device that measures water consumption~~
20 ~~of an individual unit within a multiunit residential structure or~~
21 ~~mixed-use residential and commercial structure, and is read by the~~
22 ~~owner of the structure or the owner's agent.~~

23 (b) ~~Structures in all of the following categories shall be exempt~~
24 ~~from this chapter:~~

25 (1) ~~Low-income housing. For purposes of this paragraph,~~
26 ~~"low-income housing" means a residential building financed with~~
27 ~~low-income housing tax credits, tax-exempt mortgage revenue~~
28 ~~bonds, general obligation bonds, or local, state, or federal loans~~
29 ~~or grants, for which the rents of the occupants in lower income~~
30 ~~households, as defined in Section 50079.5 of the Health and Safety~~
31 ~~Code, do not exceed rents prescribed by deed restrictions or~~
32 ~~regulatory agreements pursuant to the terms of the financing or~~
33 ~~financial assistance, and for which not less than 25 percent of the~~
34 ~~dwelling units within the building are designated for occupancy~~
35 ~~by lower income households, as defined in Section 50079.5 of the~~
36 ~~Health and Safety Code.~~

37 (2) ~~Student dormitories.~~

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

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

3 ~~(5) Residential care facilities, as defined in subdivision (k) of~~
4 ~~Section 1569.2 of the Health and Safety Code.~~

5 ~~(e) A submeter used to measure water supplied to an individual~~
6 ~~residential unit that is required to be installed by a water purveyor~~
7 ~~pursuant to this chapter, shall be of a type approved pursuant to~~
8 ~~Section 12500.5 of the Business and Professions Code, and shall~~
9 ~~be installed and operated in compliance with regulations established~~
10 ~~pursuant to Section 12107 of the Business and Professions Code.~~

11 ~~538. (a) Each water purveyor that sells, leases, rents, furnishes,~~
12 ~~or delivers water service to a newly constructed multiunit~~
13 ~~residential structure or newly constructed mixed-use residential~~
14 ~~and commercial structure for which an application for a water~~
15 ~~connection, or more than one connection, is submitted after January~~
16 ~~1, 2014, shall require the installation of a water meter or submeter~~
17 ~~to measure the water supplied to each individual dwelling unit as~~
18 ~~a condition of new water service.~~

19 ~~(b) (1) If the water purveyor requires installation of submeters~~
20 ~~pursuant to subdivision (a), the owner of the structure shall ensure~~
21 ~~that each submeter installed complies with all laws and regulations~~
22 ~~governing the approval of submeter types or the installation,~~
23 ~~maintenance, reading, billing, and testing of submeters, including,~~
24 ~~but not limited to, the California Plumbing Code.~~

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

30 ~~(c) A water purveyor shall not impose an additional capacity or~~
31 ~~connection fee or charge for a submeter that is installed by the~~
32 ~~owner, or his or her agent.~~

33 ~~538.5. (a) This chapter does not restrict the authority of a water~~
34 ~~purveyor, city, county, city and county, or other local agency to~~
35 ~~adopt and implement a program to promote water conservation~~
36 ~~that includes the installation of water meters and submeters, as~~
37 ~~required pursuant to subdivision (a) of Section 538, if the program~~
38 ~~is at least as stringent as the requirements of this chapter.~~

39 ~~(b) This chapter does not preclude or preempt an ordinance that~~
40 ~~regulates the approval of submeter types or the installation,~~

1 maintenance, reading, billing, or testing of submeters and
2 associated onsite plumbing if the ordinance meets either of the
3 following requirements:

- 4 (1) ~~Is adopted prior to January 1, 2013.~~
- 5 (2) ~~Meets or exceeds the minimum requirements provided by~~
6 ~~this chapter.~~

7 539. ~~It is the intent of the Legislature that this chapter should~~
8 ~~not be construed to impose costs on any local government agency,~~
9 ~~except to the extent that the local government agency is a water~~
10 ~~purveyor.~~

11 *SEC. 2. Section 517 is added to the Water Code, to read:*
12 *517. "Submeter" means a device that measures water*
13 *consumption of an individual unit within a multiunit residential*
14 *structure or mixed-use residential and commercial structure, and*
15 *is read by the owner of the structure or the owner's agent.*

16 *SEC. 3. Article 5 (commencing with Section 537) is added to*
17 *Chapter 8 of Division 1 of the Water Code, to read:*

18
19 *Article 5. Multiunit Structures*
20

21 *537. (a) Structures in all of the following categories shall be*
22 *exempt from this chapter:*

23 *(1) Low-income housing. For purposes of this paragraph,*
24 *"low-income housing" means a residential building financed with*
25 *low-income housing tax credits, tax-exempt mortgage revenue*
26 *bonds, general obligation bonds, or local, state, or federal loans*
27 *or grants, for which the rents of the occupants in lower income*
28 *households, as defined in Section 50079.5 of the Health and Safety*
29 *Code, do not exceed rents prescribed by deed restrictions or*
30 *regulatory agreements pursuant to the terms of the financing or*
31 *financial assistance, and for which not less than 25 percent of the*
32 *dwelling units within the building are designated for occupancy*
33 *by lower income households, as defined in Section 50079.5 of the*
34 *Health and Safety Code.*

35 *(2) Student dormitories.*

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

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

1 (5) Residential care facilities, as defined in subdivision (k) of
2 Section 1569.2 of the Health and Safety Code.

3 (b) A submeter used to measure water supplied to an individual
4 residential unit that is required to be installed by a water purveyor
5 pursuant to this chapter shall be of a type approved pursuant to
6 Section 12500.5 of the Business and Professions Code and shall
7 be installed and operated in compliance with regulations
8 established pursuant to Section 12107 of the Business and
9 Professions Code.

10 538. (a) Each water purveyor that sells, leases, rents,
11 furnishes, or delivers water service to a newly constructed multiunit
12 residential structure or newly constructed mixed-use residential
13 and commercial structure for which an application for a water
14 connection, or more than one connection, is submitted after
15 January 1, 2015, shall require a measurement of the quantity of
16 water supplied to each individual dwelling unit as a condition of
17 new water service. The measurement may be by individual water
18 meters or submeters. Applicants shall provide appropriate
19 documentation to the water purveyor that identifies the location
20 of the water meters or submeters.

21 (b) (1) If the water purveyor requires installation of submeters
22 pursuant to subdivision (a), the owner of the structure shall ensure
23 that each submeter installed complies with all laws and regulations
24 governing the approval of submeter types or the installation,
25 maintenance, reading, billing, and testing of submeters, including,
26 but not limited to, the California Plumbing Code.

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 the approval of submeter types or the
30 installation, maintenance, reading, billing, and testing of submeters
31 and associated onsite plumbing.

32 (c) A water purveyor shall not impose an additional capacity
33 or connection fee or charge for a submeter that is installed by the
34 owner, or his or her agent.

35 538.5. (a) This article does not preclude or preempt an
36 ordinance that regulates the approval of submeter types or the
37 installation, maintenance, reading, billing, or testing of submeters
38 and associated onsite plumbing if the ordinance was adopted prior
39 to January 1, 2013.

1 ***(b) This article does not restrict the authority of a water***
2 ***purveyor, city, county, city and county, or other local agency to***
3 ***adopt and implement a program to promote water conservation***
4 ***that includes the installation of water meters and submeters, as***
5 ***required pursuant to subdivision (a) of Section 538 if the program***
6 ***is at least as stringent as the requirements of this article.***

7 ***539. It is the intent of the Legislature that this article should***
8 ***not be construed to impose costs on any local government agency,***
9 ***except to the extent that the local government agency is a water***
10 ***purveyor.***

11 ***539.5. This article shall become operative on January 1, 2015.***

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