

**Article 7: Water System**

**Division 6: Water Submeters**

*(“Water Submeters” added 4-23-2010 by O-19946 N.S.)*

**§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.

*(Added 4-23-2010 by O-19946 N.S; effective 6-1-2010.)*

**§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.

*(Added 4-23-2010 by O-19946 N.S; effective 6-1-2010.)*

**§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*.

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- (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*.

(Added 4-23-2010 by O-19946 N.S.; effective 6-1-2010.)

**§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.

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- (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.

(Added 4-23-2010 by O-19946 N.S; effective 6-1-2010.)

#### **§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.

(Added 4-23-2010 by O-19946 N.S; effective 6-1-2010.)

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**§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.*

*(Added 4-23-2010 by O-19946 N.S; effective 6-1-2010.)*

**§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.

*(Added 4-23-2010 by O-19946 N.S; effective 6-1-2010.)*