

EXISTING DOCUMENT:

HOW IS RUBIO CAÑON LAND AND WATER ASSOCIATION AFFECTED BY THE NEW ADU LAWS?

The California Legislature has passed several statutes over the past six years to address Accessory Dwelling Units. These statutes are now found at Government Code Sections 66323 and 66324. Those statutes specify when new meter service connections can be required and when related water meter connection fees for attached and detached ADUs apply (see below for more detailed explanation). If a connection fee is imposed, that fee must be proportionate to the smaller size and lesser impact of the unit on the water or sewer system and may not exceed the reasonable cost of providing service. The Association has established a new policy for when these fees and charges apply.

WHEN ARE NEW WATER SERVICES REQUIRED?

When newly constructed, attached or detached ADU space of more than 150 square feet is added to a home, the unit is not part of an existing home or structure on your property, or the ADU is contained within an unpermitted structure and other conditions explained below are not met.

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1. The relevant statutes that set forth the legal parameters for water service-related issues and considerations pertaining to accessory dwelling units (ADUs)¹ are set forth in Government Code Sections 66323 and 66324. Those statutes set forth the criteria for when the Association can require a new service connection and when a related connection fee or capacity charge can be imposed.
2. Section 66324 sets forth the primary parameters with respect to water service and fees, with an important cross-reference to paragraph (1) of subdivision (a) of Section 66323 (the "**ADU Description Criteria**").
3. If the ADU is (i) **within the proposed space of a single-family dwelling** or **existing space of a single-family dwelling** or **accessory structure** and (ii) includes an **expansion of not more than 150 square feet** beyond the **same physical dimensions** as the **existing accessory structure**, then the Association cannot require a new metered connection to be installed for that ADU, so long as the ADU Description Criteria set forth in Item 4 are not met.

¹ An Accessory Dwelling Unit or ADU shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

4. As set forth in Government Code Section 66323, in addition to the requirements in Item 3, the Association cannot require a new metered connection if (i) the ADU has exterior access from the proposed or existing single-family dwelling; (ii) has side and rear setbacks that are sufficient for fire and safety, *and* (iii) if the unit is a Junior Accessory Dwelling Unit (JDU)², the JDU complies with the additional requirements pertaining to JDUs in Sections 66333 to 66339.

5. If the Association requires a new metered connection as permitted above, the Association may impose a connection fee or capacity charge, which must be proportionate to the burden of the ADU or JDU upon the Association's water system, based upon either its square feet or the number of its drainage fixture unit values, as defined in the Uniform Plumbing Code. Any such connection fee or capacity charge shall not exceed the reasonable cost the Association incurs in providing the service to the ADU or JDU.

² A Junior Accessory Dwelling Unit means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.