

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF RIVERSIDE, CALIFORNIA,
3 ADOPTING A SERVICES PRIORITY POLICY FOR LOWER INCOME
4 DEVELOPMENTS IN ACCORDANCE WITH SENATE BILL 1087

5 WHEREAS, Senate Bill 1087 (“SB 1087”) requires providers of water and sewer
6 services to grant priority for these services to “proposed development that includes housing units
7 for lower income households”; and

8 WHEREAS, SB 1087 defines such developments as those “proposed developments that
9 include housing units for lower income households: as developments that include dwelling units
10 to be sold or rented to lower income households (Health and Safety Code section 50079.5); at an
11 affordable cost (Health and Safety Code section 50052.5); or at an affordable rent (Health and
12 Safety Code section 50053); and

13 WHEREAS, SB 1087 further requires that providers of water and sewer services adopt a
14 written policy with specific objective standards for meeting priority requirements for lower
15 income developments; and

16 WHEREAS, the City is a provider of water and sewer services within the meaning of SB
17 1087; and

18 WHEREAS, staff recommends that the City adopt this resolution in order to ensure that
19 low income developments receive service priority in accordance with SB 1087.

20 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE
21 CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AS FOLLOWS:

22 Section 1. Introduction. In accordance with SB 1087, the City shall grant water and
23 service priority to “any proposed developments that include housing units for lower income
24 households.” For purposes of this policy, and in accord with Government Code section 65589.7,
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1 this means dwelling units to be sold or rented to lower income households, as defined in Section
2 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section
3 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the
4 Health and Safety Code.

5 Section 2: Policy.

6 A. General Policy Statement

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8 The City will not deny or condition the approval of an application for water or sewer
9 services to, or reduce the amount of services applied for, a proposed development that includes
10 housing units affordable to lower income households, unless the City makes specific written
11 findings that the denial, condition, or reduction is necessary due to the existence of one or more
12 of the following:
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14 a. The Public Utilities Department does not have sufficient water supply or is operating
15 under a Water Shortage Emergency, or does not have sufficient water treatment or distribution
16 capacity, to serve the needs of the proposed development, as demonstrated by a written
17 engineering analysis and report.

18 b. The Public Utilities Department is subject to a compliance order issued by the State
19 Department of Health Services or other local, state or federal agency/body that prohibits new
20 water connections.
21

22 c. The Public Works Department does not have sufficient collection capacity, as
23 demonstrated by a written engineering analysis and report on the condition of the treatment or
24 collection works, to serve the needs of the proposed development.
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26 d. The Public Works Department is under an order issued by a Regional Water Quality
27 Control Board or other local, state, or federal agency/body that prohibits new sewer connections.
28

1 e. The Applicant has failed to agree to reasonable terms and conditions relating to the
2 provision of service generally applicable to development projects seeking service from the Public
3 Utilities Department or Public Works Department, including, but not limited to, the requirements
4 of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to
5 Section 66013 of the California Government Code or successor section(s).

6
7 **B. Housing Element Adoption**

8 Government Code Section 65589.7 requires that the Housing Element adopted by the
9 legislative body and any amendments made to that element shall be immediately delivered to all
10 public agencies that provide water or sewer service for municipal and industrial uses, including
11 residential, within the territory of the legislative body. Accordingly, the Community and
12 Economic Development Department continues to coordinate with the Public Utilities and Public
13 Works Departments in developing and updating the Housing Element. This coordination ensures
14 that adequate water and sewer capacity is available to accommodate proposed developments that
15 include housing units that are affordable to lower income households. The Planning and
16 Community Development Departments will coordinate any future amendments to the Housing
17 Element of the General Plan with all applicable water and sewer service providers in order to
18 ensure that sites identified for affordable housing have adequate service available to service
19 housing units constructed during the Housing Element's planning period.

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22 **C. Policies for Water Services**

23 The water use projections for the proposed single family and multi-family housing units
24 affordable to lower income households will be included in the Public Utilities Department's
25 Urban Water Management Plans ("UWMP"). If an UWMP identifies the need for the Public
26 Utilities Department to allocate water supplies in the future, priority for uncommitted water
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28

1 supplies (i.e. supplies not being used by existing customers) will be granted to applications for
2 water services for proposed developments that include housing units affordable to lower income
3 households.

4 All developers and applicants, including affordable housing developments, are still
5 subject to California water supply assessment and water supply verification requirements, as
6 applicable. These requirements are authorized by California law (such as Government Code
7 Section 17556 or successor sections) and are consistent with the overall intent of SB 1087.
8 Developers and applicants shall comply with other provisions as identified in the Public Utilities
9 Department's Water Rates, Rules, and Regulations.
10

11 D. Policies for Sewer Services

12 All applicants, including proposed developments that include housing units affordable to
13 lower income households, need to comply with all requirements of the Public Works
14 Department's Master Plan for Sanitary Sewers and associated Financial Implementation Plans
15 and Programs which determine financing mechanisms to construct required sewer
16 improvements, such as sewer impact and user fees.
17

18 All developers and applicants, including affordable housing developments, will still be
19 required to pay all applicable sewer impact fees and charges as adopted by Resolutions of the
20 City Council. These fees/charges/requirements are authorized by California law (e.g. Section
21 66000 of the Government Code or successor sections which govern impact fees from not being
22 more than the costs that can be attributed to each new user) and are consistent with the overall
23 intent of SB 1087.
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25 Section 3. Effective Date. This Resolution is effective upon date of adoption.
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27 NOW, THEREFORE, IT IS RESOLVED.
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1 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk
2 this day of April, 2022.

3 _____
4 Mayor of the City of Riverside

5 _____
6 City Clerk of the City of Riverside

7
8 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
9 foregoing resolution was duly and regularly adopted at a meeting of the City Council on the
10 day of April, 2022 by the following vote, to wit:

11
12 Ayes:

13 Noes:

14 Abstain:

15 Absent:

16
17
18 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
19 the City of Riverside, California, this day of April, 2022.

20
21 _____
22 City Clerk of the City of Riverside

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24 21-0762 sw 3/23/22