

## RESOLUTION NO. 2014-022

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK APPROVING A POLICY AND PROCEDURES REGARDING THE PROVISION OF WATER AND SEWER SERVICES TO PROPOSED DEVELOPMENTS THAT INCLUDE HOUSING UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS

**WHEREAS**, the State Legislature of California has enacted Chapter 727, Statutes of 2005 (SB 1087), which amends Government Code Section 65589.7 and requires water and sewer providers to grant priority for water and sewer service to proposed developments that include housing units affordable to lower-income households; and

**WHEREAS**, proposed developments that include housing units affordable to lower income households are defined as dwelling units that shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code; and

**WHEREAS**, Government Code Section 65589.7 requires that the public agency that provides water or sewer services adopt written policies and procedures, not later than July 1, 2006 and at least once every five (5) years thereafter, to establish such priority for affordable housing projects; and

**WHEREAS**, the City of Rohnert Park is the water and sewer provider for the City of Rohnert Park and is, therefore, subject to the requirements of Government Code Section 65589.7; and


**WHEREAS**, City of Rohnert Park staff has prepared the required policy and procedures in conformance with Government Code Section 65589.7.

**NOW BE IT RESOLVED** by the City Council of the City of Rohnert Park that it does hereby authorize and approve the policy and procedures regarding the provision of water and sewer services to proposed developments that include housing units affordable to lower income households, as provided in the attached City Council Policy.

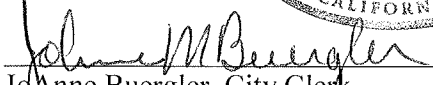
**DULY AND REGULARLY ADOPTED** this 23<sup>th</sup> day of July, 2014.



**CITY OF ROHNERT PARK**

  
Joseph T. Callinan, Mayor

**ATTEST:**

  
JoAnne Buerger, City Clerk

Attachment – Exhibit A

BELFORTE: AYE MACKENZIE: AYE STAFFORD: AYE AHANOTU: AYE CALLINAN: AYE  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

## CITY OF ROHNERT PARK



# CITY COUNCIL POLICY

SUBJECT	POLICY NO.	RESO. NO.	EFF. DATE	PAGE 1 OF 2
Water and Sewer Services Provided to Proposed Developments that Include Housing Units Affordable to Lower Income Households		2014-022	3/11/2014	

### **PURPOSE**

Pursuant to Government Code section 65589.7, the purpose of these policies and procedures ("Policy") is to establish a uniform procedure to grant a priority for the provision of water and sewer services to proposed developments that include housing units affordable to lower income households.<sup>1</sup>

### **POLICY**

A priority for water and sewer services shall be given to proposed developments that include housing units affordable to lower income households as defined in Section 50079.5 of the Health and Safety Code.

### **PROCEDURE**

1. Based upon existing regulations and restrictions relating to water shortage emergencies, coupled with the availability of the water supply as determined by the City of Rohnert Park, the Director of Community Development or his/her designee shall coordinate with the City Engineer to ensure that a priority for water and sewer services is given to proposed developments that include housing units affordable to lower income households.

2. The City shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the City makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:

a. The City:

- i. does not have "sufficient water supply," as defined in Government Code section 66473.7(a)(2);
- ii. is operating under a water shortage emergency as defined in Water Code section 350; or
- iii. does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.

<sup>1</sup> "Proposed developments that include housing units affordable to lower income households" means that dwelling units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code.

SUBJECT	POLICY NO.	RESO. NO.	EFF. DATE	PAGE 2 OF 2
Water and Sewer Services Provided to Proposed Developments that Include Housing Units Affordable to Lower Income Households		2014-022	3/11/2014	
<p>b. The City is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.</p> <p>c. The City does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, to serve the needs of the proposed development.</p> <p>d. The City is under an order issued by a Regional Water Quality Control Board that prohibits new sewer connections.</p> <p>e. The developer has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the City, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Government Code section 66013.</p>				