

Residential Water Submetering in Long Beach Frequently Asked Questions

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GENERAL QUESTIONS

1. What is residential water submetering and why is it required?

More than half of residential water use in Long Beach is used in multi-family residential buildings, such as apartments and condominiums. Most of these multi-family residential buildings only have one meter that measures the total building water use and do not measure how much water is used by each individual dwelling unit. Individual tenants and condominium owners may not be aware of how much water they are using and may be less inclined to conserve water because they pay the same regardless of how much water they actually use.

Residential water submetering makes use of individual water submeters for each dwelling unit. Submetering allows a condominium association, homeowners association, landlord, property management firm, or other multi-tenant property to measure how much water each dwelling unit uses and to bill accordingly.

In September 2016, Governor Jerry Brown signed into law Senate Bill 7 (SB 7), which requires new multi-family residential buildings in California constructed after January 1, 2018 to include a submeter for each dwelling unit and to bill tenants in apartment buildings accordingly for their water use.

To implement this law in Long Beach, the Long Beach Water Department (LBWD), in coordination with Long Beach Development Services (LBDS) and the Los Angeles County Agricultural Commissioner/Weights & Measures (LACACWM), is required to ensure that new multi-family residential buildings are submetered before a water service connection is provided.

2. When does the requirement take effect?

The submetering requirement takes effect on January 1, 2018. The requirement will be implemented in two phases:

- 1) an interim phase under the Water Code as amended by SB 7 (Water Code, Division 1, Chapter 8, Article 5, Section 537-537.5) effective January 1, 2018 until new building standards are established, and
- 2) permanently under the Health and Safety Code as amended by SB 7 (Health and Safety Code, Division 13, Part 1.5, Chapter 2, Section 17922.14), which would add new building standards requiring the installation of submeters in multi-family residential buildings to a future update of California Building Standards Code.

SB 7 directs the Department of Housing and Community Development to develop the new building standards for submetering. The new standards will be included in the next triennial code cycle, i.e., the 2019 California Building Standards Code, which would take effect on January 1, 2020, or a subsequent code cycle. In Long Beach, LBDS enforces the California Building Standards Code. Until then, the requirement will be enforced in Long Beach by LBWD under the interim Water Code.

3. How will the requirement be enforced?

As stated above, until the new requirement is permanently established in the California Building Standards Code, the requirement will be enforced in Long Beach by LBWD under the interim Water Code. As a condition of the construction permit and water service for the construction of a new multi-family residential building or mixed-use residential and commercial building, construction documents must indicate that each dwelling unit will be submetered.

LBWD will review the construction documents (plan check) for compliance only for projects that apply for a construction permit from LBDS and for new water service from LBWD, both on or after January 1, 2018. If sufficient submetering is included, LBWD will approve the project for the construction permit and water service. Otherwise, LBWD will contact the applicant to revise and resubmit the construction documents. For more information about how to comply, see the “Compliance and Technical Guidance” section below.

All submeters must be type approved and prior to installation, submitted to the Los Angeles County Agricultural Commissioner/Weights & Measures (LACACWM) to be inspected and tested. For more information please contact LACACWM at (562) 622-0412.

During the construction phase and prior to issuance of a Building Final or Certificate of Occupancy, LBDS Plumbing Inspection will enforce the installation of submeters in compliance with applicable codes and standards.

4. I have a question about the residential water submetering requirement that is not addressed by these FAQs. Who can I contact for help?

Please contact LBWD Engineering Development Services Division at (562) 570-2419.

APPLICABILITY

5. Who needs to comply? What triggers the requirement?

The residential water submetering requirement applies to any project in Long Beach that includes new construction of a multi-family residential building or mixed-use residential and commercial building, and:

- (1) applies for a construction permit from LBDS on or after January 1, 2018 (the construction documents submittal date), and

(2) applies for new water service from LBWD on or after January 1, 2018.

6. Do the commercial units in mixed-use residential and commercial buildings, also need to be submetered?

The commercial units are required to have a separate master meter (LBWD meter) from the master meter that serves the residential units, but submeters are not required for each individual commercial unit. Only the residential dwelling units need to be individually submetered.

7. Does the requirement also apply to condominiums (i.e., buildings in which dwelling units are individually owned, not rented)?

Yes. In Long Beach, submeters will be required in all new multi-family residential buildings, regardless of whether the individual dwelling units will be rented or owned. However, only apartment buildings will be required to bill tenants based on an individual unit's measured use. Should a condominium be converted into a rental apartment building in the future, the appropriate meters will already be in place to enable billing based on measured use.

8. What types of multi-family residential buildings are exempt?

Per the interim Water Code (Section 537, Paragraph a), the following buildings are exempt:

(1) *Low-income housing. For purposes of this paragraph, "low-income housing" means a residential building financed with low-income housing tax credits, tax-exempt mortgage revenue bonds, general obligation bonds, or local, state, or federal loans or grants, for which the rents of the occupants in lower income households, as defined in Section 50079.5 of the Health and Safety Code, do not exceed rents prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance, and for which not less than 90 percent of the dwelling units within the building are designated for occupancy by lower income households, as defined in Section 50079.5 of the Health and Safety Code.*

(2) *Housing at a place of education, as defined in Section 202 of the California Building Standards Code (Title 24 of the California Code of Regulations).*

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

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

(5) *Residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code*

9. Are high-rises exempt?

No. SB 7 states that the Department of Housing and Community Development shall determine additional exemptions, such as high-rise structures, to be included in the new building standards. The interim Water Code is silent on exemptions for high-rise structures, and no guidance regarding high rises has been provided from the State to local water purveyors. Therefore, while the interim Water Code is in effect, or unless otherwise directed by the State, the LBWD will adhere to the list of exemptions listed in Water Code Section 537 (see the previous question).

10. Are duplexes, triplexes, or townhomes exempt?

No. Any structure with two or more dwelling units connected to the master water meter (i.e., the LBWD meter) must comply unless it meets the exemption criteria set forth in the interim Water Code.

COMPLIANCE AND TECHNICAL GUIDANCE

11. How do I comply?

While the interim Water Code is in effect, all projects in Long Beach for the construction of a new multi-family residential building or mixed-use residential and commercial building must show in their construction documents submitted to LBDS that submeters will be installed.

LBWD will review the construction documents (plan check) to verify inclusion of sufficient metering and will route the project application forward for approval of both the construction permit and new water service connection. If the construction documents do not include sufficient metering, LBWD will contact the applicant to revise and resubmit its construction documents.

Before water service begins and prior to issuance of a Building Final or Certificate of Occupancy from LBDS, the installed submeters shall be inspected by LBDS.

12. Who installs the submeter?

The property owner is responsible for the submeter serving each individual dwelling unit. Please contact LACACWM at (626) 562-0412 for installation requirements, submeter billing requirements, and frequency of inspection.

LBWD will continue to be responsible for providing, maintaining, and measuring water use at the master meter (i.e., LBWD meter) that serves the building.

13. What type of submeter can be installed?

The submeter must be approved by the California Department of Food and Agriculture Division of Measurement Standards (pursuant to Section 12500.5 of the Business and Professions Code) and be a legal-for-trade device as it would enable tenants to be billed based on metered water use. For a current list of approved submeters, search the California Type Evaluation Program (CTEP) Certificates of Approval Database (under the Device Type drop-down menu, select "Water Meter"): <http://www.cdfa.ca.gov/dms/ctep.html>

14. How do submeters get approved for installation?

All submeters must be type approved and prior to installation, submitted to LACACWM to be inspected and tested. For more information please contact LACACWM at (562) 622-0412. In addition, please contact LACACWM for applicable device registration fees.

15. For buildings with a central water heating system, will only domestic cold water need to be metered, or will a secondary meter need to be installed on the hot water return line?

The interim Water Code does not address hot water return lines. However, we recognize that in places like Long Beach where space is limited, it would be difficult to install multiple meters for each dwelling unit. The LBWD will update this FAQ if guidance is provided by the State and/or as we gather information from other municipalities that already require submetering.

16. Does the submeter need to be installed in-unit, or can it be installed in a common area?

The primary indicating element of water submeters must be accessible for inspection by LBDS. Either the primary (or secondary) indicating elements must be accessible by the tenant of the dwelling unit to which the meter pertains and by the landlord without entering the dwelling unit. Typically, these submeters are installed in a common area.

17. Can an individual meter be installed per dwelling unit instead of a submeter?

Yes, SB 7 allows for dwelling units to be either individually metered or submetered.

LANDLORD RESPONSIBILITIES AND BILLING

18. As a property owner, what am I supposed to do with the submeters?

LBWD does not provide oversight on SB 7 requirements that are imposed onto property owners, landlords, or authorized representatives (i.e., those established under the Civil Code). However, all submeters shall comply with all laws and regulations governing their installation, maintenance, reading, billing, and testing (including, but not limited to, the California Plumbing Code, and Business and Professions Code Section).

Submeters used to bill tenants for water usage are considered to be commercial measuring devices, and therefore must meet specific requirements (e.g. type approval). Before these devices can be installed, they must be inspected, tested, sealed, and registered with the LACACWM. Please contact the LACACWM for inspection frequency requirements of submeters.

19. Where can I find more information about billing tenants based on their metered water use?

A summary of the SB 7 requirements pertaining to submeter installation, reading, disclosure, and billing is available from the California Apartment Association at: <https://caanet.org/kb/water-submeters-rental-property/>.

LBWD does not provide oversight of SB 7 requirements that are imposed onto landlords (i.e., those established under the Civil Code).