



MEMORANDUM

Date: July 1, 2022

Subject: Accessory Dwelling Units (ADUs) within the AWA Service Areas

DISCUSSION:

Accessory Dwelling Units (ADUs) are additional living quarters on single-family lots that are independent of the primary dwelling unit. Also known as secondary dwelling units, mother-in-law units, or granny flats, ADUs are either attached or detached to the primary dwelling unit, and provide complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation. Note that Accessory Dwelling Units (ADU)s may not be separated from a primary residence through lot split or other land division.

On October 8, 2017, Governor Brown approved Senate Bill 229 which included new requirements for special districts to provide water and sewer service to Accessory Dwelling Units on residential properties under certain conditions. On October 9, 2019, Governor Newsom approved AB68 and SB13 which included additional requirements and clarifications.

AWA will follow State law applicable to Accessory Dwelling Unit (ADU) connections, however all service connections remain subject to periodic Agency review of metered usage as compared to the capacity purchased and allotted to the parcel. ADUs shall be treated as and shall follow the same requirements as new service connections, including but not limited to utility application, service, fees and capacity. ADU connections are subject to capacity availability and Capacity Fee payment per UN-4 Capacity Fee Equivalents, unless specifically exempt. AWA will have no duty to serve any ADU until after the owner has paid all required connection, capacity and other permitted fees, and obtains a will-serve from AWA. AWA retains the right to require payment in arrears for such fees from an owner who did not pay them upfront.

ADU applicants are required to obtain AWA Will Serve Letter(s) before permitting an ADU.

Applicants wishing to apply for a building permit for an ADU must first meet with the County or City for planning approval. Though AWA does not have the authority to regulate zoning or issue building permits, AWA is responsible for providing water and sewer service to AWA customers within AWA service areas. It is AWA's duty to be sure that there is safe and reliable water supply to meet its customers' needs and as such, an AWA Will Serve Letter is required prior to issuance of any County or City ADU building permit.

If additional connection(s) to a lot are required due to insufficient capacity or at the request of the Owner, then the equivalent water capacity fees and actual costs of construction will be charged. If an upsized service is required due to insufficient capacity or at the request of the property owner, the applicable water capacity fee and actual costs of construction for the new service size will be charged, less any previous water capacity fees paid.



The types of ADUs are as follows:

- 1) **Type 1 ADU:** Any new or expanded ADU within an existing single family residential unit, that would not expand the existing structure's footprint more than 150 square feet for the sole purpose of permitting ingress and egress to the ADU (CA Gov. § 65852.2, subdivision (e)(1)(A)).
 - a. ADUs must apply for service, are subject to capacity restrictions and must obtain a Will Serve from AWA, prior to obtaining a building permit.
 - b. ADUs in this category are exempt from being required to install a separate connection, and pay any water or sewer capacity fees.
 - c. ADUs may be billed additional billing and service fees for each additional unit associated with the account.
- 2) **Type 2 ADU:** All other ADUs, not specifically addressed in Type 1 above. Type 2 specifically includes all ADUs constructed at the same time or in conjunction with new single-family homes.
 - a. ADUs must apply for service, are subject to capacity restrictions and must obtain a Will Serve from AWA, prior to obtaining a building permit.
 - b. ADUs in this category are treated as a new residential use and AWA will require the installation of individual water meters, sewer laterals, service lines and service connections directly between the ADU and AWA's main lines for both the new primary residence and the ADU, in addition to other standard requirements for the primary residence, at the applicants cost.
 - c. ADUs in this category are required to pay a reduced capacity fee specifically for ADUs per UN-4 Capacity Fee Equivalents. The Capacity Fee for an ADU shall be a percentage of the appropriate Capacity Fee applicable to a customer, per AWA Code Section 3, multiplied by the square footage of the ADU divided by 2,200 square feet, being the average size of a new single family residential unit. The ADU Capacity Fee shall be in addition to other required capacity fees and other fees.
 - d. New water and sewer service accounts shall be established for the ADU, separate from the primary residence account.

ADUs or other accessory structures will not be served prior to serving the primary residence. The primary residence is the first premises to which service shall be applied for, have fees paid and otherwise be provided. Additional structures may be required to install a separate connection or meter and pay the appropriate fees, as provided under AWA Water Code, especially section 1.10 Separate Premises and Multiple Premises.

Rates and fees are subject to change.