

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR PROVIDING PRIORITY WATER AND SEWER SERVICE TO AFFORDABLE HOUSING PROJECTS PURSUANT TO GOVERNMENT CODE SECTION 65589.7

WHEREAS, the State of California Government Code Section 65589.7 was amended to require water and sewer service 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 water and sewer service providers adopt written policies and procedures to establish priority for developments that include housing units affordable to lower income households; and

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

WHEREAS, the City of Hayward has prepared the required policies and procedures in conformance with the provisions of Government Code Section 65589.7.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts the attached Policies and Procedures Regarding the Provision of Water and Sewer Services to Proposed Developments that Include Housing Units Affordable to Lower Income Households (Exhibit A).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Exhibit A: Policies and Procedures Regarding Water and Sewer Service Provisions to Proposed Developments that Include Housing Units Affordable to Lower Income Households

EXHIBIT A

POLICIES AND PROCEDURES REGARDING WATER AND SEWER SERVICE PROVISIONS TO PROPOSED DEVELOPMENTS THAT INCLUDE HOUSING UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS PURSUANT TO GOVERNMENT CODE SECTION 65589.7

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, 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. The City will 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 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.
- b. The City is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.
- c. The City does not have sufficient treatment or collection capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
- d. The City is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections.
- e. The applicant 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 fees and charges imposed pursuant to Government Code Section 66013.