

# PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 22-0045

WHEREAS, On June 28, 2016, by Resolution No. 16-0127, the SFPUC adopted updates to its permanent water waste restrictions and program procedures for tracking and responding to public reports of water waste, which are also reflected in Section E, Rule 12 of the SFPUC's Rules and Regulations Governing Water Service to Customers; and

WHEREAS, On January 4, 2022, by Resolution No. 2022-0002, in response to California's current drought, the California State Water Resources Control Board (State Water Board) adopted drought emergency water waste regulations; and

WHEREAS, SFPUC is authorized to separately implement its own water waste restriction programs, and the SFPUC's current permanent water waste restrictions include all the measures the State Water Board's drought emergency water waste regulations contain except those pertaining to homeowner's association or community service organization restrictions against penalizing or threatening individual owners who take measures to reduce irrigation use; and

WHEREAS, The SFPUC plans to continue to implement a permanent, local water waste restriction program and seeks to update its existing water waste restrictions to include the State Water Board's new homeowner's association and community service organization restrictions; now therefore, be it

RESOLVED, That this Commission does hereby revise Rule 12 (Water Use Restrictions) of Section E of its Rules and Regulations Governing Water Service to Customers to add the following new homeowner's association and community service organization restrictions as follows (added text shown in **bold underline**):

## **Rule 12.**

### **Water Use Restrictions**

- 1.** The customer will be in violation of the SFPUC's Water Waste Restrictions if the customer is found to be using water in the following ways:
  - a) Application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures.
  - b) Use of hoses for any purpose without a positive shut-off valve.
  - c) Use of potable water to wash sidewalks, driveways, plazas, and other outdoor hardscapes for reasons other than health, safety, or to meet City of San Francisco standards for sidewalk cleanliness and in a manner that causes runoff to storm drains and sewer catch basins.

- d) Use of single pass cooling systems, fountains and decorative water features, and commercial car washes.
- e) Application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
- f) Irrigation with potable water of ornamental turf on public street medians.
- g) Use of potable water for consolidation of backfill, dust control, or other nonessential construction purposes if foundation drainage or recycled water is available and approved by the Department of Public Health.
- h) Serving drinking water other than upon request at eating or drinking establishments, including restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served.
- i) To promote conservation, hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily and display notice of this option in guestrooms.

**2. Any homeowner's association or community service organization or similar entity is prohibited from:**

- a) **Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;**
- b) **Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or**
- c) **Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.**

**4. As used in this Rule:**

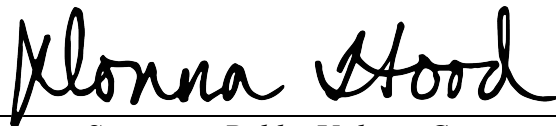
- a) **"Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.**
- b) **"Homeowner's association" means an "association" as defined in section 4080 of the Civil Code.**
- c) **"Common interest development" has the same meaning as in section 4100 of the Civil Code.**
- d) **"Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.**
- e) **"Governing documents" has the same meaning as in section 4150 of the Civil Code.**
- f) **"Separate interest" has the same meaning as in section 4185 of the Civil Code.**

**5.** The SFPUC directs members of the public to report potential instances of water waste **or other violations of this Rule** through the City’s 311 system. SFPUC staff regularly review and respond to reports submitted. The SFPUC will notify customers **and other entities subject to this Rule that** it observes or are publicly reported to be violating a water waste restriction and advise them of corrective action. Notification methods may include letter, phone call, and dispatch of an inspector. Customers **and other entities subject to this Rule** may be subject to enforcement that could include fines on their water bill, installation of flow restriction devices, **injunctions**, or other actions **as deemed appropriate**

; and be it

FURTHER RESOLVED, that the a true and correct copy of these revised regulations will be filed wiwith the Clerk of the San Francisco Board of Supervisors no later than 10 days after the adoption of this Resolution.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of February 22, 2022.*



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*Secretary, Public Utilities Commission*