

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO ADOPT POLICIES AND PROCEDURES FOR PROVIDING PRIORITY SEWER SERVICE FOR AFFORDABLE HOUSING PROJECTS PURSUANT TO GOVERNMENT CODE SECTION 65589.7

WHEREAS, California Government Code Section 65589.7 requires sewer providers to grant priority for service provision to proposed developments that include units affordable to lower-income households; and

WHEREAS, the City of San Leandro's Housing Element Update includes requirements for the adoption of policy in compliance with Government Code Section 65589.7; and

WHEREAS, the City's Water Pollution Control Division provides sewer services to a portion of the City; and

WHEREAS, the City of San Leandro has prepared the required policies under Government Code Section 65589.7.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

Priority for 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's Water Pollution Control Division 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 does not have sufficient sewer collection or treatment 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 sewer connections.
- c. 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 fees and charges imposed pursuant to Government Code Section 66013.
- d. The City is under an order issued by a regional water quality control board that prohibits new sewer connections.

Be it further **RESOLVED**:

That the policy attached hereto and made a part hereof regarding sewer services for development projects that include housing affordable to lower-income households is adopted.

Introduced by _____ and passed and adopted this XXth day of XXXX 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Kelly B. Clancy, CMC
City Clerk

DRAFT