

RESOLUTION NO. 2026-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING POLICIES AND PROCEDURES REGARDING THE PROVISION OF WATER AND SEWER SERVICES TO PROPOSED DEVELOPMENTS THAT INCLUDE AFFORDABLE HOUSING UNITS FOR LOWER INCOME HOUSEHOLDS

WHEREAS, the California State Legislature (“Legislature”) has declared the lack of affordable housing is a matter of vital statewide importance; and

WHEREAS, the Legislature enacted Chapter 727, Statutes of 2005 (Senate Bill 1087), which amended Government Code Section 65589.7 and requires water and sewer providers to grant priority for water and sewer service to proposed developments that include housing units affordable to lower-income households; and

WHEREAS, Government Code Section 65589.7 requires that the public agency that provides water and/or sewer services adopt written policies and procedures, no later than July 1, 2006, and at least once every five (5) years thereafter, to establish priority for affordable housing projects; and

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

WHEREAS, the City of Pomona last adopted policies and procedures governing the priority of water and sewer services for affordable housing projects on February 7, 2022; and

WHEREAS, the City of Pomona is continually evaluating system requirements and capacity, monitoring planned and proposed project development, and working to ensure there is adequate capacity for future development throughout the City’s service area; and

WHEREAS, the City of Pomona staff has prepared the required policies and procedures in conformance with Government Code Section 65589.7; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. Priority Water and Sewer Service to Affordable Housing Units. The City of Pomona shall grant priority for the provision of water or sewer services to proposed housing development projects that include residential units affordable to lower income households.

- A. For the purposes of this Resolution, “proposed housing 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.

ATTACHMENT NO. 1

- B. For the purposes of this Resolution, “water or sewer services” means supplying service through a pipe or other constructed conveyance for a residential purpose and does not include the sale of water for human consumption by a water supplier to another water supplier for resale. “water service” provided by the City applies only to water supplied for public water systems subject to Health and Safety Code Section 116275.

SECTION 2. Basis for Denial, Condition or Reduction. The City of Pomona shall not deny or condition the approval of an application for water and/or sewer services to, or reduce the amount of services applied for by, a proposed housing development project that includes housing 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 (1) or more of the following conditions:

- a) The City of Pomona does not have “sufficient water supply,” as defined in paragraph (2) of subdivision (a) of Government Code Section 66473.7 or is operating under a water shortage emergency, as defined in Water Code Section 350, or 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; or
- b) The City of Pomona does not have sufficient water treatment or collection capacity to serve the needs of the proposed development as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works; or
- c) The City of Pomona is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections; or
- d) The City of Pomona is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections; or
- e) The applicant proposing the development project has failed to agree to reasonable terms for water and/or sewer service from the City Pomona, which are generally applicable to other development projects seeking water and/or sewer service from the City of Pomona including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of any fee or charge authorized by Government Code Section 60013.

SECTION 3. Effective Date. This Resolution shall become effective on April 20, 2026.

SECTION 4. Review of Service Policies and Procedures. At least once every (5) years after passage of this Resolution, the policies and procedures contained in this Resolution shall be presented to the City Council for review and evaluation of the written policies and procedures governing prioritization of water and sewer services to proposed housing development projects that include residential units affordable to lower income households.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

Passed, Approved, and Adopted this 20th DAY OF APRIL 2026

ATTACHMENT NO. 1

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on April 20, 2026, by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rosalia A. Butler, MMC
City Clerk