

ARTICLE RESPONSE

Ratio Utility Billing System (RUBS) is not only Legal, but also the most effective Water Conservation vehicle for older apartments with Master meter systems.

In 2016, the California Legislature passed Senate Bill 7 which expressly legalized the RUBS protocol and system: “This bill would express the intent of the Legislature...To encourage the conservation of water...In multi-family residential rental buildings through the means either within the Landlord’s or the Tenant’s control, including ‘Ratio Utility Billing System,’ which means...The allocation of water and sewage costs to the Tenant based on the square footage; occupancy; or other physical factors of the dwelling unit.”

The Civil Code Section 1954.209(2)(B) provides: “RUBS : Dividing the total fixture charges charged to the property equally among the total number of residential units and non-residential units on the property.”

The law goes on to announce that “WATER SERVICE CHARGES...Under this chapter...SHALL NOT CONSTITUTE RENT ...”

Simply stated, a Landlord and Tenant at the outset of their rental arrangement may negotiate a “water sharing system” which is sanctioned and promoted by SB-7. RUBS IS LEGAL, and, by legislation (CC 1954.21), specifically “encouraged” or otherwise promoted.

There is no mandatory requirement that the Tenants’ Rent be adjusted and/or reduced if the Parties enter into a negotiated agreement for water sharing, known as RUBS. Likewise, effective January 1, 2018, any Landlord may, at his or her discretion, install physical sub-meters whereby Tenants will be obligated and required to pay for water.

FRENCH CONNECTION

Approximately 40 years ago, in Marseille, Lyon and Paris, the French Government allowed Landlords with older Master meter apartments to adopt and promote a RUBS system. Governmental studies revealed that the RUBS system promoted an almost 35% increase in water conservation.

Many cities in California have promoted and adopted RUBS Master meter systems and have all reported substantial savings.

The Sierra Club and prominent Environmental and conservation Clubs and organizations have never conducted any Study to produce any type of scientific data to suggest that the RUBS system is detrimental to the Environment and does not produce substantial water conservation and savings.

In 2015, the Housing Department for the City of Los Angeles specifically Endorsed and promoted the RUBS system, and there have been no reported “excess rent cases” or any other form of Tenant harassment issues. None.

William Mulholland, the “father” of the Los Angeles water system and the Los Angeles Aqueducts, was interviewed by a news reporter, and asked whether he had an opinion about how to best promote “water conservation” within the City of Los Angeles. His response was simple: “ ... The water meter.”

Everyone fully understands that if the ultimate user of the scarce resource known as water is obligated to pay for the use of the water, then they will be likely to act more responsibly, and conserve.

After all, Santa Monica Tenants currently pay for electricity, natural gas, television cable, computer cable, and the laundry facilities. Again, WATER IS NOT RENT. Accordingly, under Civil Code Section 1954.207(C), “... a Landlord may ... at his or her discretion ... deduct an unpaid water service bill ... from the security deposit...”

No Tenant will be evicted. Much like the Santa Monica policy on smoking whereby a Tenant may not use tobacco in their apartment, patio, balcony or common area, and if there is ambient or ancillary tobacco smoke, the individual Tenant may only receive a remedy through Small Claims Court; likewise, an Apartment Owner probably could only seek reimbursement for the water bill either in Small Claims Court, or, under the law, deduct the amount from the security deposit. The famous basketball commentator for the Los Angeles Lakers, Chick Hearn, summarized the arrangement: “ ... no harm, no foul...”

Our good friend, Todd Flora, is writing a political propaganda piece with absolutely no scientific evidence to support any of his assertions or conclusions. RUBS is not only legal, but a proven, strong vehicle for absolute water conservation wherein no Tenant has ever complained of the arrangement or sought the intervention of Rent Control Boards or Groups throughout the State of California. Remember, it only applies to new Tenants who negotiate an arms length arrangement with the Landlord as mandated under the 1995 Costa-Hawkins Fair Housing Act which states that effective January 1, 1999 any “new Tenant” is free to negotiate the “rental rates” with the Landlord. No municipality may interfere with the negotiation or the establishment of the “rental rates” at the inception of the tenancy, or thereafter.

The Action Apartment Association of Santa Monica has initiated a Lawsuit in the Santa Monica Courts wherein the Trial Judge appears to be very sensitive and empathetic to the needs for immediate water conservation, and as a result of those positive and favorable comments from the Trial Judge, it appears that Mr. Flora and others panicked and now want to outlaw RUBS. They do not fully understand that the State of California has already adopted a law which promotes RUBS, and furthermore, preempts “this issue,” and the Lawsuit would be futile and a waster of taxpayers’ efforts, time and money.

Support water conservation. Support RUBS.

Michael Millman

Small Apartment Owner

