

# Short Overview

I believe California ADU law clearly exempts homeowners like myself, that make a simple short sewer connection from an ADU to an existing lateral on our own property, from being charged any connection or capacity fees by the OVSD.

State ADU law Gov. Code, 65852.2.5 (f):

*For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation **may require a new or separate utility connection directly between the accessory dwelling unit and the utility.** Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge...*

The OVSD **did not require** me to make a **direct connection to their utility** which is about 100 feet away in the middle of a public street, whereas my connection to my lateral is only about 10 feet away from my ADU.

To further strengthen my position, the California Department of Housing and Community Development wrote an official letter to the OVSD clarifying, in bold font:

**“ADUs for which no separate “connection’ may be required and no connection fee of capacity charge me be imposed”**

The OVSD has filed a Notice of Violation against me. I have completed their appeal process with respect to this dispute, during which they admitted, many times, that they are not even considering if their ordinance was lawful with regards to state law. They continue to insist that I am responsible to pay them \$12,000 in “capacity fees”. I have a list of 33 other homeowners that might be victims of the OVSD’s ADU “capacity fees”.

