

## LOS ANGELES COUNTY:

# Role in premise plumbing solutions

POLICY BRIEF | JANUARY 2024

## Summary

Through its Public Works Department, the County of Los Angeles directly operates 10 drinking water systems, especially in unincorporated areas, and has the capability to collect and report data regarding water quality and tenant rights.<sup>1</sup> Los Angeles is also one of 30 counties [delegated the authority](#) by the State Water Resources Control Board (Water Board) to regulate certain small public water systems within its boundaries. In addition, the county manages the property tax collection and special assessment mechanism, which can be a financing platform for infrastructure upgrades to proactively assist in addressing premise plumbing issues. Premise plumbing is the water pipes that connect from the distribution network to the tap, as well the pipes and fixtures within a house or apartment building.

County policymakers often become informally held responsible for addressing hot spots of unsafe tap water and widespread tap water distrust, whether or not they operate the responsible water system. This was [the case](#) in 2019 with the Sativa Los Angeles County Water District (Sativa), which infamously failed to provide safe drinking water in Southeast Los Angeles County, was taken over by the state and county, and eventually dissolved (see recommendation 5).

With more funding and staff support, the Los Angeles County Department of Public Health (DPH) could proactively work with regulated water system operators to collect and publicly disclose an expanded list of tap quality complaint data. The Los Angeles Department of Water and Power (LADWP) serves as a [model](#) for this type of effort. This type of proactive management allows interested parties to better address emerging water quality concerns before they lead to widespread tap distrust. The county's [Chief Sustainability Office](#) and the new [Office of Environmental Justice and Climate Health](#) exist to support and guide the county on environmental equity solutions and could support these efforts with more staff and funding.



## Recommendations

The county can help advance solutions to premise plumbing concerns by implementing the following:

1. Use existing lead poison monitoring capability to test water more frequently
2. Advocate for state and federal reforms
3. Develop a direct financial assistance model for small-scale landlords
4. Update habitability code to ensure landlords replace pipes
5. Play a similar administrator role as with the Sativa Water District in special cases



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## Detailed Recommendations

### RECOMMENDATION 1

#### Use existing lead poison monitoring capability to test water more frequently

► **Background:** Lead exposure in drinking water [causes](#) severe physical and mental health harm, particularly for [children](#). A 2017 California [bill](#) requires water systems serving schools built before 2010 to test for lead in their tap. In 2018, the state [appropriated](#) \$5 million to the Water Board to test and remove lead in drinking water and provide technical assistance to licensed child care centers. As of 2023, certain California child care facilities must test for lead every five years.<sup>2</sup>

DPH maintains a Childhood Lead Poisoning Prevention Program to address lead poisoning incidents.<sup>3</sup>

► **Related Code:** The [Countywide Sustainability Plan](#) calls for the Chief Executive Office and Local Agency Formation Commission to “develop a program to map, monitor, address, and alert the public to drinking water quality issues that originate from on-site and systemic plumbing issues,

incorporating reporting from water agencies as well as crowdsourcing” and “complete an assessment of the region’s drinking water systems to identify resiliency to drought and shocks, as well as risk of water quality issues due to aging infrastructure, deferred maintenance, etc.” However, DPH has no direct authority or funding to compel water system operators to complete additional testing beyond what is currently required. (For more information, see our [State of California Policy Brief](#).)

► **Best Practices:** The county could expand on the current testing programs for lead in drinking water to include other contaminants, be done more frequently, and extend beyond schools and day care centers. Lessons from the implementation of the statewide day cares program are outlined in a [previous LCI report](#) and can inform future program iterations. This expansion is in line with the [sustainability plan](#), which calls for the county Chief Executive Office to “collaborate with partners to expand lead testing of drinking water in schools and day care facilities,” as well as community recommendations from the [Greater Los Angeles County Community Strengths and Needs Assessment](#).

The county can also align sustainability plan Action 19 with community-led efforts to promote tap water testing and drinking water quality education. For instance, [WaterTalks](#) is developing a local Regional Tap Water Quality Testing Program that can serve as a model. The county can also directly support a program like the tap water testing program, which was funded by the state and evaluated by LCI in the Bay Area.<sup>4</sup>

## RECOMMENDATION 2

### Advocate for state and federal reforms

► **Background:** As detailed more fully in the State of California Policy Brief, the Water Board's Division of Drinking Water (DDW) implements and enforces the federal and state Safe Drinking Water Acts, monitors drinking water quality, and issues permits to public water systems throughout the state. DDW is the direct regulator for all public water systems in California with 200 connections or more. The county [regulates](#) all public water systems within its boundaries with fewer than 200 connections.

► **Related Code:** [California law](#) describes the Implied Warranty of Habitability but does not include a specific requirement for *potable* water, just “hot and cold running water.”

[California law](#) allows county boards of supervisors to use county service areas as a method to finance and provide needed public facilities and services.

California law gives the Water Board the authority to enforce the federal and state Safe Drinking Water Acts; but there is no law that says this enforcement must be proactive for secondary MCL exceedances that impact odor, taste, turbidity, or color conditions in water system distribution networks (i.e., dedicate staff to address existing standards as soon as possible, focus on addressing existing standards first and foremost).<sup>5</sup>

► **Best Practices:** The county could work with the Water Board's Office of Legislative Affairs, and state [senators](#) and [assemblymembers](#) to advocate for new and revised laws that require the Water Board to ensure water systems take immediate corrective actions to address premise plumbing issues. This could be included in the county's legislative

[priorities](#) under the affordable housing, infrastructure investments, or environment and sustainability sections. For instance, the Water Board does not test tap water or prioritize areas where tap water technically meets primary standards. State reforms could provide funding and legal mandates for DDW to consider secondary standards and for system operators to run their own tap water testing programs that produce data the Water Board can use. The county could consistently coordinate with DDW and include a water-specific listed option for complaints to better enforce existing standards. The county could advocate for tenants to have the right to take legal action against landlords over habitability issues regarding premise plumbing. This right would give tenants another tool to ensure corrective actions are taken and may encourage landlords to respond to tenant complaints in a timely fashion.

## RECOMMENDATION 3

### Develop a direct financial assistance model for small-scale landlords

► **Background:** To successfully address tap water distrust due to premise plumbing contamination, more funding is needed. For low-income rental housing, a potential solution is to develop public financial assistance programs to incentivize landlords to carry out plumbing upgrades. The county can be a uniquely helpful partner by creating a designated funding program or legally authorizing local programs to overcome concerns regarding the gifting of public funds to private property owners. Past missteps by similar programs designed to upgrade in-home energy infrastructure for low-income residents suggest these programs must be carefully constructed.

► **Related Code:** The [Countywide Sustainability Plan](#) calls for the County Chief Executive Office to “provide support for small water systems to access State financing mechanisms, and advocate for development of new financing mechanisms to repair water infrastructure and/or incentives for consolidation, and ensure rates are kept affordable” and “advocate for the development of a low-interest financing mechanism for property owners to replace leaky, corroded, and/or unsafe pipes and fixtures.”

► **Best Practices:** There are a few financing programs that can address premise plumbing. For instance, Halifax, Canada, provides property owners low-interest loans to replace private lead laterals; Wisconsin provides funding for private lead service replacement; and the U.S. Department of Agriculture provides loans and grants to low-income homeowners to remove health and safety hazards in their home (i.e., old pipes).<sup>6</sup>

**Deferred Special Assessments** is a potentially replicable financial assistance model the County Assessor's Office could use to support premise plumbing upgrades by landlords. In California, assessment districts are a commonly used tool to finance improvements when no other source of money is available (California Tax Data, n.d.). Cities or counties can form a district and finance improvements to private property, for which the owners defer repayment until they sell the property. Local governments, including Los Angeles County, that also run water systems could explore potential avenues for program models to assist households in paying for infrastructure upgrades in small installments on their water bill, perhaps equivalent to what households would typically pay for bottled water for the month.

**Grants or Loans** from the Public Works Department to water utilities could support efforts to fix premise plumbing problems. In addition, the county can seek more currently available relevant federal programs, like the U.S. Department of Agriculture's Single Family Housing Repair Loans or Grant. Most customer premise plumbing concerns are too low cost to warrant the creation of a grant program directly to households. However, water service systems, especially smaller ones with fewer economies of scale or administrative framework in place, can benefit from funding to increase customer engagement and offer on-bill financing programs.<sup>7</sup> Funding could specifically focus on communities where residents consume large amounts of replacement water because they distrust their tap water. While there is no public source of community-specific data on tap replacement water reliance, identification of these communities in Los Angeles could be informed by community-based organizations' knowledge as well as potentially by

Nielsen bottled water purchasing data. The county could work with the Water Board and advocacy organizations that are part of [WaterTalks](#) to better identify which communities on which to focus. This funding program can start with a pilot period so that policymakers can evaluate its impact on tap water trust and affordability.

**Turf Replacement Programs**, such as the city of L.A.'s [program](#), can be used as a cost-effective model to allow commercial and residential customers to receive a rebate from their water system when they replace their lawns with less water-intensive landscaping. LADWP's Home Energy Improvement Program could also serve as a [model](#); it offers customers free products and services to improve the energy and water efficiency of their home via upgrades and retrofitting.

The only known [financing programs](#) to fix premise plumbing issues focus on lead, an issue that is explicitly called out in federal and state water regulations, and are not operated by the county. For instance, the Water Board [intends](#) to spend approximately \$609 million of federal Infrastructure Investment and Jobs Act funds to build or upgrade water infrastructure, address emerging contaminants in drinking water, and replace lead service lines and connectors. In addition, the board has a \$130 million a year [fund](#) for 10 years to help water systems provide an adequate and affordable supply of safe drinking water. Part of that funding will go toward implementing regional programs that address drought-related and/or contamination issues for low-income households; these funds could potentially support premise plumbing issues in Los Angeles County.<sup>8</sup>

## RECOMMENDATION 4

### Update habitability code to ensure landlords replace pipes

► **Background:** The DPH manages code enforcement related to substandard living conditions for unincorporated Los Angeles County, as well as by contract for nearly all cities in the county. The county is currently undergoing an [effort](#) to adopt and deploy stronger code enforcement tools to protect tenants.



► **Related Code:** The [county housing code](#) is available online.

► **Best Practices:** The county could continue to work to implement its Rental Housing Habitability Program for unincorporated Los Angeles County to ensure codes are enforced for water violations, including leaving tenants without running water for extended periods.<sup>9</sup> This program could incorporate the recommendations made by Strategic Actions for a Just Economy and other organizations, namely to centralize code enforcement for rental units, prevent “renovictions” (renovations that lead to tenant evictions) and adopt plans and programs to hold landlords accountable.<sup>10</sup>

The county could also update habitability codes to require that landlords communicate with tenants simply and in multiple languages about water quality (i.e., how to file tap water quality concerns, sending out time-sensitive notices about flushing or actions that will temporarily affect tap water access or quality).

## RECOMMENDATION 5

### Play a similar administrator role as with the Sativa Water District in special cases

► **Background:** Water quality concerns, including premise plumbing issues, at Sativa sparked outrage and led to a change in governance in 2018. Sativa was abolished, and the [state](#) and then DWP took over management and eventually sold it to the Suburban Water Company. Although DPH has no authority to issue correction notices and no current program to investigate complaints on large public water systems, the county’s willingness to be the first interim administrator for Sativa allowed for [progress](#) to be made toward providing customers with safe drinking water.

► **Related Code:** California Health & Safety Code [116687](#) allowed the state to remove elected water district members and appoint the county to take over Sativa.

The Water Board’s SAFER Drinking Water Program funds water system administrators to [provide](#) “technical, managerial, and/or financial expertise to struggling water systems.”

► **Best Practices:** The county could continue to serve as an administrator for failing water systems when needed to ensure premise plumbing issues are addressed in a timely manner. The county likely needs special authority to recover administrative costs. Once a system is ready to be consolidated, or joined with an existing system, the county could ensure consolidations maintain the governance type of water systems that local communities prefer.

## AUTHORSHIP

This policy brief was produced by the UCLA Luskin Center for Innovation (LCI).

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## DISCLAIMER

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## FOR MORE INFORMATION

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## NOTES

- 1 See [Community Water Systems in Los Angeles County](#) and [California Code of Regulations Title 22 § 64211](#).
- 2 [California Health & Safety Code 159716](#) and [EWG News Release](#)
- 3 See [DPH Childhood Lead Poisoning Prevention Program homepage](#) and [Los Angeles County webpage](#).
- 4 See forthcoming SF Bay Area tap trust report from the Bay Area Disadvantaged Community and Tribal Involvement Program <https://www.sfestuary.org/disadvantaged-community-and-tribal-involvement-program/>
- 5 [California Health & Safety Code 116470\(b\)](#); [California Health & Safety Code 116270 et. seq.](#); [California Health & Safety Code 116470](#)
- 6 See [USDA Single Family Housing Repair Loans & Grants website](#), [Wisconsin Private Lead Service Line Replacement Program webpage](#), and the [Environmental Defense Fund's State Efforts webpage](#).
- 7 See [Turf Replacement Program Impacts on Households and Ratepayers](#).
- 8 See [California Health & Safety Code 116766](#) and [Water Board County-wide and Regional Funding Programs webpage](#).
- 9 See [SAJE blog](#) and [Rental Housing Habitability Program website](#).
- 10 See [Recommendations to Improve Los Angeles County's Residential Code Enforcement](#), [We're Not Going Back: Recommendations for Countywide Post-Pandemic Tenant Protections in Los Angeles](#), and [Decarbonizing California Equitably report](#).