



UTILITY BILLINGS

Q: I recently received a notice that beginning with next months rent I would be getting a bill to pay for my water, sewer and garbage. I really resent having this additional amount of money tacked on to my monthly expenses. I live in a large apartment complex and I live alone but many of the apartments are occupied by two or more persons. I am concerned that I am going to be paying more than my share of the cost and I also question whether they can even do this at all.

A: To answer the very last question first. Can management bill you for water, sewer and garbage? Yes they can if you have been given a proper notice. CA Civil Code 827 requires a resident on a month-to-month rental agreement to receive a written 30 day notice of any change of terms. This would include rent unless you are on a longer than 30 day fixed term lease.

If you are on a fixed term lease (longer than 30 days) there can be no changes in rent or other terms unless there is a provision for this in the lease in rent or unless both parties agree to the change.

In the past most apartment rents included a portion of the water, sewer and garbage bill, just as it includes a portion of the other property expenses incurred each month such as taxes, insurance, administration, mortgage payment etc. Some properties are choosing to separate the utility cost by an individual billing rather than raising the rent to cover the cost. Utility bills have been increasing steadily, in some cases doubled. Assuming that management would rather have you angry at the utility company rather than angry at them for a substantial rent increase they have contracted with an outside company to do this billing.

Will you be paying more than your share? Without separate meters there is no way to determine exact water usage so the bill could be a pro-rata share of the entire bill based on the number of occupants in a unit. In other situations the bills are based on square footage.