

AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2470

Introduced by Assembly Member Kehoe

February 19, 2004

An act to amend Section 2079.10 of the Civil Code, and to amend Section 375.5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, as amended, Kehoe. Water conservation programs.

Existing law authorizes a public entity to undertake water conservation and public education programs in conjunction with school districts, public libraries, or any other public entity.

This bill would authorize a public entity to undertake water conservation and public education programs using an informational booklet or materials for use in connection with the use or transfer of real estate containing up to four residential units. *The bill would request the California Urban Water Conservation Council to prepare and submit to the Legislature, on or before December 31, 2006, a report relating to those programs.* The bill would provide that if those materials are delivered to a transferee in connection with the transfer of real property, the seller or broker is not required to provide information concerning water conservation and water conservation programs that is additional to that contained in those materials.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2079.10 of the Civil Code is amended
2 to read:

3 2079.10. (a) If the informational booklet published pursuant
4 to Section 25402.9 of the Public Resources Code, concerning the
5 statewide home energy rating program adopted pursuant to
6 Section 25942 of the Public Resources Code, is delivered to a
7 transferee in connection with the transfer of real property,
8 including, but not limited to, property specified in Section 1102,
9 manufactured homes as defined in Section 18007 of the Health and
10 Safety Code, and property subject to Chapter 7.5 (commencing
11 with Section 2621) of Division 2 of the Public Resources Code, the
12 seller or broker is not required to provide information additional
13 to that contained in the booklet concerning home energy ratings,
14 and the information in the booklet shall be deemed to be adequate
15 to inform the transferee about the existence of a statewide home
16 energy rating program.

17 (b) Notwithstanding subdivision (a), nothing in this section
18 alters any existing duty of the seller or broker under any other law
19 including, but not limited to, the duties of a seller or broker under
20 this article, Article 1.5 (commencing with Section 1102) of
21 Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code, or
22 Chapter 7.5 (commencing with Section 2621) of Division 2 of the
23 Public Resources Code, to disclose information concerning the
24 existence of a home energy rating program affecting the real
25 property.

26 (c) If the informational booklet or materials described in
27 Section 375.5 of the Water Code concerning water conservation
28 and water conservation programs are delivered to a transferee in
29 connection with the transfer of real property, including property
30 described in subdivision (a), the seller or broker is not required to
31 provide information concerning water conservation and water
32 conservation programs that is additional to that contained in the
33 booklet or materials, and the information in the booklet or
34 materials shall be deemed to be adequate to inform the transferee
35 about water conservation and water conservation programs.

36 SEC. 2. Section 375.5 of the Water Code is amended to read:
37 375.5. (a) A public entity, as defined by Section 375, may
38 undertake water conservation and public education programs in



1 conjunction with school districts, public libraries, or any other
2 public entity.

3 (b) (1) A public entity may undertake water conservation and
4 public education programs using an information booklet or
5 materials for use in connection with the use or transfer of real estate
6 containing up to four residential units. For the purposes of this
7 subdivision, the public entity may use water conservation
8 materials prepared by the department.

9 (2) *On or before December 31, 2006, the California Urban*
10 *Water Conservation Council is requested to prepare and submit to*
11 *the Legislature a report that includes information on both of the*
12 *following matters:*

13 (A) *The extent to which public entities have undertaken water*
14 *conservation and public education programs referred to in*
15 *paragraph (1).*

16 (B) *The extent to which water conservation may be attributable*
17 *to the implementation of water conservation and public education*
18 *programs referred to in paragraph (1).*

19 (c) A public entity may take into account any programs
20 undertaken pursuant to this section in a rate structure design
21 implemented pursuant to Section 375.

22 (d) The Legislature finds and declares that a program
23 undertaken pursuant to this section is in the public interest, serves
24 a public purpose, and will promote the health, welfare, and safety
25 of the people of the state.

