

AMENDED IN SENATE JUNE 14, 2011

AMENDED IN ASSEMBLY MAY 26, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 849**

**Introduced by Assembly Member Gatto**

February 17, 2011

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An act to amend Section 18941.7 of the Health and Safety Code, *and to amend Section 14877.3 of the Water Code*, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 849, as amended, Gatto. Water: use efficiency: graywater building standards.

Existing law authorizes a city, county, or other local agency to adopt, after a public hearing and enactment of an ordinance or resolution, building standards that prohibit entirely the use of graywater, or building standards that are more restrictive than the graywater building standards adopted by the Department of Housing and Community Development and published in the California Building Standards Code.

This bill would repeal the authority of a city, county, or other local agency to adopt building standards that prohibit entirely the use of graywater and instead authorize the adoption, under specified requirements, of standards that differ from the standards adopted by the department. The bill would require that an ordinance enacted pursuant to this authority include the local climatic, geological, or topographical conditions requiring different building standards.

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 18941.7 of the Health and Safety Code  
 2 is amended to read:  
 3 18941.7. (a) Subject to subdivision (b), a city, county, or other  
 4 local agency may adopt, after a public hearing and enactment of  
 5 an ordinance or resolution, building standards that differ from the  
 6 graywater building standards adopted by the Department of  
 7 Housing and Community Development under Section 17922.12  
 8 and published in the California Building Standards Code.  
 9 (b) An ordinance adopted pursuant to subdivision (a) shall  
 10 include the local climatic, geological, or topographical conditions  
 11 that necessitate building standards *for a specific area of the city,*  
 12 *county, or local agency where the conditions exist* different from  
 13 the graywater building standards adopted by the Department of  
 14 Housing and Community Development under Section 17922.12  
 15 and published in the California Building Standards Code.  
 16 *SEC. 2. Section 14877.3 of the Water Code is amended to read:*  
 17 14877.3. ~~After~~-(a) Subject to subdivision (b), a city, county,  
 18 or other local agency may adopt, after a public hearing, ~~a city or~~  
 19 ~~county may adopt, by~~ and enactment of an ordinance or resolution,  
 20 building standards that ~~prohibit the use of~~ differ from the graywater  
 21 or building standards that ~~are more restrictive than the standards~~  
 22 ~~adopted by the department, as appropriate for the local area adopted~~  
 23 ~~by the Department of Housing and Community Development under~~  
 24 ~~Section 17922.12 and published in the California Building~~  
 25 ~~Standards Code.~~  
 26 (b) An ordinance adopted pursuant to subdivision (a) shall  
 27 include the local climatic, geological, or topographical conditions  
 28 that necessitate building standards *for a specific area of the city,*  
 29 *county, or local agency where the conditions exist* different from  
 30 the graywater building standards adopted by the Department of  
 31 Housing and Community Development under Section 17922.12  
 32 and published in the California Building Standards Code.  
 33 ~~SEC. 2.~~  
 34 *SEC. 3.* It is the intent of the Legislature to encourage the  
 35 installation and implementation of residential and commercial

- 1 graywater systems in as many structures as possible throughout
- 2 the state by requiring adherence to a uniform code, and to clarify
- 3 that divergent standards not meeting the requirements of Section
- 4 1 of this act should not be applied to graywater systems.

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