

AMENDED IN SENATE JULY 13, 2011  
AMENDED IN SENATE JUNE 23, 2011  
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

**ASSEMBLY BILL**

**No. 849**

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**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~~ *are more restrictive than that adopted pursuant to state requirements.* The bill would require that an ordinance enacted pursuant to this authority include the local climatic, geological, ~~or~~ topographical, *or public health* conditions requiring different building standards *The bill would also require a city, county, or other local agency to consult with the local public health department prior to permitting graywater systems, as specified.*

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)~~ *Subject to Section*  
4 *14877.3 of the Water Code*, a city, county, or other local agency  
5 may adopt, after a public hearing and enactment of an ordinance  
6 or resolution, building standards that ~~differ from~~ *are more*  
7 *restrictive than* the graywater building standards adopted by the  
8 Department of Housing and Community Development under  
9 Section 17922.12 and published in the California Building  
10 Standards Code.

11 ~~(b) An ordinance adopted pursuant to subdivision (a) shall~~  
12 ~~include the local climatic, geological, or topographical conditions~~  
13 ~~that necessitate building standards different from the graywater~~  
14 ~~building standards adopted by the Department of Housing and~~  
15 ~~Community Development under Section 17922.12 and published~~  
16 ~~in the California Building Standards Code and shall be limited to~~  
17 ~~the specific area of the city, county, or local agency where the~~  
18 ~~conditions exist.~~

19 SEC. 2. Section 14877.3 of the Water Code is amended to read:

20 14877.3. (a) Subject to subdivision (b), a city, county, or other  
21 local agency may adopt, after a public hearing and enactment of  
22 an ordinance or resolution, building standards that ~~differ from~~ *are*  
23 *more restrictive than* the graywater building standards adopted by  
24 ~~the Department of Housing and Community Development under~~  
25 ~~Section 17922.12 and published in the California Building~~  
26 ~~Standards Code.~~ *pursuant to state requirements.*

27 (b) An ordinance adopted pursuant to subdivision (a) shall  
28 include the local climatic, geological, ~~or~~ topographical, *or public*

1 *health conditions that necessitate building standards different from*  
2 *that are more restrictive than the graywater building standards*  
3 *adopted by the Department of Housing and Community*  
4 *Development under Section 17922.12 and published in the*  
5 *California Building Standards Code pursuant to state requirements*  
6 *and shall be limited to the specific area of the city, county, or local*  
7 *agency where the conditions exist.*

8 *(c) Prior to permitting graywater systems pursuant to state*  
9 *requirements relating to graywater, a city, county, or other local*  
10 *agency shall consult with the local public health department to*  
11 *ensure that local public health concerns are addressed in local*  
12 *standards or ordinances, or in issuing permits.*

13 SEC. 3. It is the intent of the Legislature to encourage the  
14 ~~installation and implementation of residential and commercial~~  
15 ~~graywater systems in as many structures as possible throughout~~  
16 ~~the state by requiring adherence to a uniform code, and to clarify~~  
17 ~~that divergent standards not meeting the requirements of Section~~  
18 ~~1 of this act should not be applied to graywater systems. use of~~  
19 *graywater systems and to provide consistency and uniformity in*  
20 *the implementation of graywater standards in this state, where*  
21 *appropriate. It is the intent of the Legislature to support innovation*  
22 *in the development of graywater technology that promotes prudent*  
23 *water conservation efforts for this state.*