

AMENDED IN ASSEMBLY APRIL 21, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
AMENDED IN ASSEMBLY MARCH 10, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1636

Introduced by Assembly Members Brown and Roger Hernández

February 10, 2014

An act to add Sections 379 and 379.1 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1636, as amended, Brown. Water conservation.

Under existing law, various provisions govern conservation programs and authorize public entities to enact water conservation programs to reduce the quantity of water used by persons for the purpose of conserving water supplies. Existing law, the California Emergency Services Act, sets forth the emergency powers of the Governor under its provisions.

This bill would prohibit a city or county, during a drought emergency declared by the Governor, from enforcing a law or ordinance requiring a resident to water his or her lawn. This bill would provide that a requirement imposed by a governmental entity or a public utility to limit, restrict, or conserve water during a drought emergency declared by the Governor does not constitute a diminution of rent or value of a premise or property.

~~Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments.~~

~~This bill would prohibit an association, as defined, from imposing any fine or other penalty against a homeowner who does not water his or her lawn in violation of any association rule, policy, or other restriction applicable to a common interest development if the violation occurs during a drought emergency declared by the Governor.~~

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 379 is added to the Water Code, to read:
- 2 379. During a drought emergency declared by the Governor
- 3 pursuant to Chapter 7 (commencing with Section 8550) of Division
- 4 1 of Title 2 of the Government Code ~~the following shall apply:~~
- 5 (a) ~~A~~, a city or county shall not enforce any law or ordinance
- 6 requiring a resident to water his or her lawn.
- 7 (b) ~~An association, as defined in Section 4080 of the Civil Code,~~
- 8 ~~shall not impose any fine or penalty against a homeowner who~~
- 9 ~~does not water his or her lawn in violation of any association rule,~~
- 10 ~~policy, or other restriction applicable in a common interest~~
- 11 ~~development, if the violation occurs during the declared drought~~
- 12 ~~emergency.~~
- 13 SEC. 2. Section 379.1 is added to the Water Code, to read:
- 14 379.1. A requirement imposed by a governmental entity or a
- 15 public utility to limit, restrict, or conserve water during a drought
- 16 emergency declared by the Governor pursuant to Chapter 7
- 17 (commencing with Section 8550) of Division 1 of Title 2 of the
- 18 Government Code, shall not constitute a diminution of rent or
- 19 value of a premise or property.