

AMENDED IN SENATE JUNE 10, 2014

AMENDED IN ASSEMBLY APRIL 24, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2100

**Introduced by Assembly Member Campos
(Principal coauthor: Assembly Member Brown)**

February 20, 2014

An act to amend Section 4735 of the Civil Code, relating to drought relief, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2100, as amended, Campos. Common interest developments: yard maintenance: fines: drought.

The Davis-Stirling Common Interest Development Act provides for the creation and regulation of common interest developments and requires that a development be managed by an association. That act provides that a provision of the governing documents of a development is void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group, or if it has the effect of prohibiting or restricting compliance with a local water-efficient landscape ordinance or water conservation measure, as specified.

This bill would prohibit an association from imposing a fine or assessment against a member of a separate interest for reducing or eliminating watering of vegetation or lawns during any period for which

the Governor has declared a state of emergency, or a local government has declared a local emergency, due to drought.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. 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 4735 of the Civil Code is amended to
2 read:

3 4735. (a) Notwithstanding any other law, a provision of the
4 governing documents shall be void and unenforceable if it does
5 any of the following:

6 (1) Prohibits, or includes conditions that have the effect of
7 prohibiting, the use of low water-using plants as a group.

8 (2) Has the effect of prohibiting or restricting compliance with
9 either of the following:

10 (A) A water-efficient landscape ordinance adopted or in effect
11 pursuant to subdivision (c) of Section 65595 of the Government
12 Code.

13 (B) Any regulation or restriction on the use of water adopted
14 pursuant to Section 353 or 375 of the Water Code.

15 (b) This section shall not prohibit an association from applying
16 landscaping rules established in the governing documents, to the
17 extent the rules fully conform with the requirements of subdivision
18 (a).

19 (c) Notwithstanding any other provision of this part, an
20 association shall not impose a fine or assessment against a member
21 of a separate interest for reducing or eliminating *the* watering of
22 vegetation or lawns during any period for which either of the
23 following have occurred:

24 (1) The Governor has declared a state of emergency due to
25 drought pursuant to subdivision (b) of Section 8558 of the
26 Government Code.

27 (2) A local government has declared a local emergency due to
28 drought pursuant to subdivision (c) of Section 8558 of the
29 Government Code.

30 *SEC. 2. This act is an urgency statute necessary for the*
31 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*
2 *immediate effect. The facts constituting the necessity are:*
3 *In order to conserve water during California's historic drought*
4 *by prohibiting an association from penalizing members who*
5 *conserve water by watering their lawns less often, it is necessary*
6 *that this bill take immediate effect.*

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