

AMENDED IN SENATE SEPTEMBER 4, 2015
AMENDED IN SENATE SEPTEMBER 1, 2015
AMENDED IN SENATE JULY 16, 2015
AMENDED IN SENATE JULY 1, 2015
AMENDED IN SENATE JUNE 22, 2015
AMENDED IN ASSEMBLY APRIL 21, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1164

**Introduced by Assembly Member Gatto
(Principal coauthors: Assembly Members Gonzalez and McCarty)**

February 27, 2015

An act to add Section 53087.7 to the Government Code, relating to water conservation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1164, as amended, Gatto. Water conservation: drought tolerant landscaping.

Existing law generally authorizes every city and county, including a charter city, in this state to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations that are not in conflict with general laws.

This bill would prohibit a city, including a charter city, county, and city and county, from enacting or enforcing any ordinance or regulation

that prohibits the installation of *drought tolerant landscaping*, synthetic ~~grass~~ *grass*, or artificial turf on residential property, as specified. The bill would additionally state that this is an issue of statewide concern.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

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

1 SECTION 1. The Legislature hereby finds and declares:

2 (a) With the lowest snowpack ever recorded, California finds
3 itself in 2015 in the fourth year of a historic, prolonged, and
4 potentially devastating drought.

5 (b) Governor Edmund G. Brown Jr. issued an Executive order
6 on April 1, 2015, which, for the first time in California history,
7 directs the State Water Resources Control Board to implement
8 mandatory water reductions across the state to reduce water usage
9 by 25 percent.

10 (c) One component of the Governor’s Executive order compels
11 the replacement of 50 million square feet of lawns throughout the
12 state with drought tolerant landscaping.

13 (d) Among a wide variety of drought tolerant landscaping are
14 a variety of native plants and landscaping alternatives, including
15 the installation of synthetic grass or artificial turf.

16 (e) According to the Department of Water Resources, landscape
17 irrigation represents 43 percent of urban water use. The installation
18 of synthetic grass or artificial turf, in lieu of conventional lawns
19 and landscapes, can directly reduce outdoor water use to help meet
20 the Governor’s mandated 25-percent statewide water use reduction.

21 SEC. 2. Section 53087.7 is added to the Government Code, to
22 read:

23 53087.7. (a) A city, including a charter city, county, or city
24 and county, shall not enact any ordinance or regulation, or enforce
25 any existing ordinance or regulation, that prohibits the installation
26 of *drought tolerant landscaping*, synthetic ~~grass~~ *grass*, or artificial
27 turf on residential property.

28 (b) A city, including a charter city, county, or city and county,
29 may impose reasonable restrictions on the type of *drought tolerant*
30 *landscaping*, synthetic ~~grass~~ *grass*, or artificial turf that may be

1 installed on residential property provided that those restrictions
2 do not do either any of the following:

3 (1) Substantially increase the cost of installing *drought tolerant*
4 *landscaping*, synthetic ~~grass~~ *grass*, or artificial turf.

5 (2) Effectively prohibit the installation of *drought tolerant*
6 *landscaping*, synthetic ~~grass~~ *grass*, or artificial turf.

7 (3) *Significantly impede the installation of drought tolerant*
8 *landscaping, including, but not limited to, a requirement that a*
9 *residential yard must be completely covered with living plant*
10 *material.*

11 SEC. 3. The Legislature finds and declares the prolonged
12 drought, along with climate change, requires the state to address
13 water conservation goals that will have long-term impacts in this
14 state. The Legislature further finds and declares that drought
15 tolerant landscaping, including the installation of synthetic grass
16 or artificial turf, is a viable landscaping alternative that will further
17 the goal of addressing long-term water conservation. Therefore,
18 allowing property owners in this state to install *drought tolerant*
19 *landscaping*, synthetic ~~grass~~ *grass*, or artificial turf on their
20 residential properties is a matter of statewide concern, not a
21 municipal affair as that term is used in Section 5 of Article XI of
22 the California Constitution.

23 SEC. 4. This act is an urgency statute necessary for the
24 immediate preservation of the public peace, health, or safety within
25 the meaning of Article IV of the Constitution and shall go into
26 immediate effect. The facts constituting the necessity are:

27 In order to address the historic, prolonged, and potentially
28 devastating drought, it is necessary that residents of this state be
29 able to replace water inefficient landscaping with drought tolerant
30 landscaping as quickly as possible; therefore, it is necessary that
31 this act take effect immediately.