

Assembly Bill No. 1164

CHAPTER 671

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

[Approved by Governor October 9, 2015. Filed with
Secretary of State October 9, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1164, 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, 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.

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

SECTION 1. The Legislature hereby finds and declares:

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

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

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

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

(e) According to the Department of Water Resources, landscape irrigation represents 43 percent of urban water use. The installation of synthetic grass or artificial turf, in lieu of conventional lawns and landscapes, can directly

reduce outdoor water use to help meet the Governor’s mandated 25-percent statewide water use reduction.

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

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

(b) A city, including a charter city, county, or city and county, may impose reasonable restrictions on the type of drought tolerant landscaping, synthetic grass, or artificial turf that may be installed on residential property provided that those restrictions do not do any of the following:

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

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

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

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

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

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