

**ASSEMBLY BILL**

**No. 2525**

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**Introduced by Assembly Member Holden**

February 19, 2016

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An act to add Part 2.13 (commencing with Section 10960) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2525, as introduced, Holden. Water-efficient landscaping.

The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update its model water-efficient landscape ordinance by regulation and prescribes various requirements for the updated model ordinance. Existing law requires each local agency to adopt either the updated model water-efficient landscape ordinance or an ordinance that is at least as effective in conserving water as the updated model ordinance. If the local agency does not make a selection, the model ordinance shall apply within the jurisdiction of the local agency.

This bill would require the department to create the California Water Efficient Landscaping Program for the purpose of encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, promote the benefits of consistent landscape ordinances, and support and enhance turf replacement. This bill would create the Water Efficient Landscaping Fund and provide that moneys in the fund are available, upon appropriation by the Legislature, to the department for certain purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. (a) The Legislature finds and declares as follows:

2 (1) The waters of the state are of limited supply and are subject  
3 to ever-increasing demand.

4 (2) Landscapes are essential to the quality of life in California  
5 by providing areas for active and passive recreation and as an  
6 enhancement to the environment by cleaning air and water,  
7 preventing erosion, offering fire protection, and replacing  
8 ecosystems lost to development.

9 (3) Landscape design, installation, maintenance, and  
10 management can and should be water efficient.

11 (4) Section 2 of Article X of the California Constitution specifies  
12 that the right to use water is limited to the amount reasonably  
13 required for the beneficial use to be served and that the right does  
14 not extend to the waste or unreasonable use of water.

15 (5) Landscapes that are planned, designed, installed, managed,  
16 and maintained with a watershed-based approach can improve  
17 California's environmental conditions, provide benefits, and realize  
18 sustainability goals such as the reduction in greenhouse gas  
19 emissions and recycling goals, and conserve energy. These  
20 landscapes will make the urban environment resilient in the face  
21 of climatic extremes.

22 (6) Creating the conditions to support life in the soil by reducing  
23 compaction, incorporating organic matter that increases water  
24 retention, and promoting productive plant growth leads to more  
25 carbon storage, oxygen production, shade, habitat, and aesthetic  
26 benefits.

27 (7) Energy use can be minimized by reducing irrigation water  
28 requirements, reducing reliance on petroleum-based fertilizers and  
29 pesticides, and planting climate-appropriate edible and shade trees  
30 in urban areas.

31 (8) Water can be conserved by capturing and reusing rainwater  
32 and graywater wherever possible and selecting climate-appropriate  
33 plants that need minimal supplemental water after establishment.

34 (9) Air and water quality can be protected by reducing power  
35 equipment use and landfill disposal trips, selecting recycled and

1 local sources of material, and using compost mulch and efficient  
2 irrigation equipment to prevent erosion.

3 (10) Existing habitat can be protected and new habitat created  
4 by choosing local native plants and climate-adapted nonnatives,  
5 avoiding invasive plants, and using integrated pest management  
6 with the least toxic methods as a first course of action.

7 (11) Stormwater management practices can minimize runoff  
8 and increase infiltration that recharges groundwater and improves  
9 water quality. Implementing stormwater best management practices  
10 into the landscape and grading design plans to minimize runoff  
11 and increase onsite rainwater retention and infiltration should be  
12 encouraged.

13 (b) It is the intent of the Legislature that the California Water  
14 Efficient Landscaping Program furthers and accomplishes water  
15 conservation, energy efficiency, and greenhouse gas emissions  
16 reduction and climate adaptation.

17 SEC. 2. Part 2.13 (commencing with Section 10960) is added  
18 to Division 6 of the Water Code, to read:

19  
20 PART 2.13. CALIFORNIA WATER EFFICIENT  
21 LANDSCAPING PROGRAM  
22

23 10960. The department shall create the California Water  
24 Efficient Landscaping Program for the purpose of encouraging  
25 local agencies and water purveyors to use economic incentives  
26 that promote the efficient use of water, promote the benefits of  
27 consistent landscape ordinances in accordance with Article 10.8  
28 (commencing with Section 65591) of Chapter 3 of Division 1 of  
29 Title 7 of the Government Code, and support and enhance turf  
30 replacement.

31 10961. The program created pursuant to this part shall contain  
32 the following three elements:

33 (a) A residential turf rebate program.

34 (b) A jobs program.

35 (c) Public education for ecolandscaping practices in  
36 collaboration with local agencies.

37 10962. The Water Efficient Landscaping Fund is hereby created  
38 in the State Treasury. Moneys in the fund are available, upon  
39 appropriation by the Legislature, to the department for the  
40 following purposes:

1 (a) Turf replacement of up to two dollars (\$2) per square foot.

2 (b) The purchase of tools, plants, soil, mulch, and materials  
3 necessary to install water-efficient landscapes.

4 (c) Grants to local conservation corps certified by the California  
5 Conservation Corps for projects that promote the use of recycled  
6 organics, compost, and mulch, including, but not limited to, the  
7 following:

8 (1) Projects that protect green spaces and urban canopies in  
9 disadvantaged and low-income communities from the threat of  
10 drought.

11 (2) Projects that include turf replacement programs and projects  
12 that develop drought-resistant or rain garden plantscapes for  
13 families that qualify for the state Low-Income Home Energy  
14 Assistance Program (LIHEAP).

15 (3) Projects that develop community healthy food gardens and  
16 landscapes.

17 (d) Administration of this part.

18 10963. In creating the program pursuant to this part, the  
19 department shall consider the following:

20 (a) That landscapes be designed for capture and infiltration  
21 capacity that is sufficient to prevent runoff to impervious surfaces  
22 and help prevent flooding.

23 (b) The grading of impervious surfaces such as driveways during  
24 construction to drain to vegetated areas.

25 (c) That the area of impervious surfaces, including, but not  
26 limited to, paved areas, roofs, and concrete driveways, be  
27 minimized.

28 (d) Incorporation of pervious and porous surfaces that minimize  
29 runoff, including, but not limited to, permeable pavers or blocks,  
30 or pervious or porous concrete.

31 (e) Directing runoff from paved surfaces and roof areas into  
32 planting beds and landscaped areas to maximize site water capture  
33 and reuse.

34 (f) Incorporation of rain gardens, cisterns, and other rain  
35 harvesting or catchment systems.

36 (g) Incorporation of infiltration beds, swales, basins, and dry  
37 wells to capture stormwater and dry weather runoff and to increase  
38 percolation in the soil.

39 (h) Encouraging the use of constructed wetlands and ponds that  
40 retain water, equalize excess flow, and filter pollutants.

1 (i) Education as a critical component to promote the efficient  
2 use of water in landscapes.

3 (j) Encouraging the use of appropriate principles of design,  
4 installation, management, and maintenance that save water.

5 (k) Incentivizing the participation in turf replacement programs  
6 by disadvantaged communities in drought relief areas.

7 (l) Prioritizing the participation in turf replacement programs  
8 for families that qualify for the (LIHEAP) Low-Income Home  
9 Energy Assistance Program (LIHEAP).

10 (m) Equity and fairness statewide in reimbursement rates for  
11 turf replacement programs.

12 10964. In carrying out the program pursuant to this part, the  
13 department may use the services of the California Conservation  
14 Corps or certified community conservation corps, as defined in  
15 Section 14507.5 of the Public Resources Code.

16 10965. The following requirements apply to a project that  
17 receives a grant pursuant to Section 10962:

18 (a) The project shall use compost and mulch from recycled  
19 organic materials.

20 (b) The project shall leverage local, state, and federal funds.

21 (c) The department shall give priority to projects that would aid  
22 community green spaces and urban canopies at the greatest risk  
23 from drought.