

AMENDED IN ASSEMBLY APRIL 20, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1793

Introduced by Assembly Member Saldana

February 10, 2010

An act to amend Section 1353.8 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 1793, as amended, Saldana. Common interest developments: artificial turf.

Existing law requires a local agency to adopt a specified updated model ordinance regarding water-efficient landscapes or a water-efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance. Existing law allows certain water providers to take specified actions regarding water conservation.

The Davis-Stirling Common Interest Development Act provides for the creation and regulation of common interest developments. That act provides that a provision of any of the governing documents of a common interest 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 described above.

This bill would provide that a provision of any of the governing documents of a common interest development would be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of artificial turf or any other synthetic surface

that resembles grass. *This prohibition would not prohibit an association from applying landscape rules and regulations established in governing documents that establish design standards and quality standards for the installation of artificial turf, or any other synthetic surface that resembles grass, to the extent the rules and regulations do not prohibit the use of artificial turf or any other synthetic surface that resembles grass.*

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 1353.8 of the Civil Code is amended to
2 read:
3 1353.8. (a) Notwithstanding any other law, a provision of any
4 of the governing documents of a common interest development
5 shall be void and unenforceable if it does 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) Prohibits, or includes conditions that have the effect of
9 prohibiting, the use of artificial turf or any other synthetic surface
10 that resembles grass.
11 (3) Has the effect of prohibiting or restricting compliance with
12 either of the following:
13 (A) A water-efficient landscape ordinance adopted or in effect
14 pursuant to subdivision (c) of Section 65595 of the Government
15 Code.
16 (B) Any regulation or restriction on the use of water adopted
17 pursuant to Section 353 or 375 of the Water Code.
18 (b) (1) This section shall not prohibit an association from
19 applying landscaping rules and regulations established in the
20 governing documents, to the extent the rules and regulations fully
21 conform with the requirements of subdivision (a).
22 (2) *This section shall not prohibit an association from applying*
23 *landscape rules and regulations established in governing*
24 *documents that establish design standards and quality standards*
25 *for the installation of artificial turf, or any other synthetic surface*
26 *that resembles grass, to the extent the rules and regulations*

- 1 *conform with the requirements of paragraph (2) of subdivision*
- 2 *(a).*

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