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AB-367 Water supply: building permits. (2017-2018)

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Assembly Bill No. 367

CHAPTER 612

An act to amend Section 106.4 of the Water Code, relating to water.

[Approved by Governor October 09, 2017. Filed with Secretary of State October 09, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 367, Obernolte. Water supply: building permits.

Existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. Under existing law, this prohibition on the issuance of a building permit does not apply to a residence that will be rebuilt because of a natural disaster.

This bill would exempt from the prohibition on the issuance of a building permit a residence that will be rebuilt because of a fire and would provide that this change is declaratory of existing law.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 106.4 of the Water Code is amended to read:

106.4. (a) For the purposes of this section:

- (1) "Bottled water" has the same meaning as defined in Section 111070 of the Health and Safety Code.
- (2) "Residential development" has the same meaning as defined in Section 65008 of the Government Code.
- (3) "Retail water facility" has the same meaning as defined in Section 111070 of the Health and Safety Code.
- (4) "Water-vending machine" has the same meaning as defined in Section 111070 of the Health and Safety Code.
- (5) "Water hauler" has the same meaning as defined in Section 111070 of the Health and Safety Code.

(b) A city, including a charter city, or a county shall not issue a building permit for the construction of a new residential development where a source of water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility.

(c) This section does not apply to a residence that will be rebuilt because of a fire or natural disaster.

(d) The Legislature finds and declares that this section addresses a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 2. The amendment to subdivision (c) of Section 106.4 of the Water Code made by this act does not constitute a change in, but is declaratory of, existing law.