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AB-2371 Water use efficiency: landscape irrigation. (2017-2018)

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Assembly Bill No. 2371

CHAPTER 867

An act to add Sections 7065.06 and 7195.5 to the Business and Professions Code, and to amend Sections 65592, 65596, and 65596.5 of, and to add Section 65596.7 to, the Government Code, relating to water use efficiency.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2371, Carrillo. Water use efficiency: landscape irrigation.

(1) Existing law, the Contractors' State License Law, provides for the licensing by written examination and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires the board to periodically review and, if needed, revise the contents of qualifying examinations to ensure that the examination questions are timely and relevant to the business of contracting.

This bill, before revision of the landscaping contractor examination, would require the board to confer with specified entities to determine whether any updates or revisions to the examination are needed to reflect new and emerging landscape irrigation efficiency practices, as specified.

(2) Existing law regulates a person who performs certain home inspections for a fee. Under existing law, a home inspection report is a written report prepared for a fee and issued after a home inspection, and clearly describes and identifies the inspected systems, structures, or components of the dwelling, any material defects identified, and any recommendations, as specified.

This bill would authorize a home inspection report on a dwelling unit on a parcel containing an in-ground landscape irrigation system to include certain information regarding the operation and observation of the irrigation system. The bill, to the extent funds are available, would require the Department of Water Resources, in consultation with a specified association and the Department of Housing and Community Development, to compile an estimate of the number of properties for which an irrigation system inspection report has been prepared each year, beginning with 2018, for inclusion in an update to the California Water Plan.

(3) Existing law requires the Department of Water Resources, in consultation with the California Urban Water Conservation Council, to convene an independent technical panel, consisting of no more than 7 members, as prescribed, to provide information and recommendations to the department and the Legislature on new demand management measures, technologies, and approaches. Existing law requires the panel to report to the Legislature every 5 years, as specified.

This bill would require the Director of Water Resources, on or before June 30, 2019, to convene a working group comprised of various representatives, including, but not limited to, the independent technical panel, and would prescribe tasks for the working group relating to water use associated with landscape plants. The bill would require the working group to complete the tasks on or before January 1, 2020, and to provide a written overview of its findings and recommendations, as specified. The bill would

require the department, on or before January 1, 2020, and every 3 years thereafter, to consider and propose revisions to a certain publication and its database as the director deems necessary or desirable, as specified.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Approximately one-half of the urban water provided for all purposes in California is used outdoors, primarily for landscape irrigation. This significant amount of potable water use, approximately four million acre-feet per year, illuminates the critical importance of the choices individuals and communities make about landscaping.

(b) The choices consumers make regarding landscape design and application can have an important role in advancing a strong water conservation and water use efficiency ethic within the state.

(c) Consumers require timely and easily accessible information when making decisions regarding purchases of plants, grasses, and other landscape materials, particularly related to consumptive water needs of the plants and grasses that will be used in landscapes.

(d) User-friendly and more readily accessible information regarding the consumptive water needs of plants and grasses would assist consumers in making decisions about efficient and sustainable landscape materials that would benefit California and help water managers to meet outdoor water use standards in the future.

SEC. 2. Section 7065.06 is added to the Business and Professions Code, to read:

7065.06. (a) Before the board revises the examination for a landscaping contractor (C-27), the board shall confer with the Department of Water Resources and the California Landscape Contractors Association to determine whether any updates or revisions to the examination are needed to reflect new and emerging landscape irrigation efficiency practices.

(b) The board shall ensure that the examination includes questions that are specific to water use efficiency and sustainable practices to help ensure that the state's water efficiency needs identified in the California Water Plan, described in Section 10004 of the Water Code, are sufficiently supported.

(c) The board shall ensure that the reference study material for the examination continues to include the most current version of the Model Water Efficient Landscape Ordinance (23 Cal. Code Regs. 490, et seq.) and shall add other collateral material specific to water use efficiency and sustainability.

SEC. 3. Section 7195.5 is added to the Business and Professions Code, to read:

7195.5. (a) For purposes of improving landscape water use and irrigation efficiency, a home inspection report on a dwelling unit prepared pursuant to this chapter on a parcel containing an in-ground landscape irrigation system, the operation of which is under the exclusive control of the owner or occupant of the dwelling, may include an irrigation system inspection report, prepared by either a home inspector or certified landscape irrigation auditor, that contains all of the following:

- (1) Examination of the irrigation system controller, if present, noting observable defects in installation or operation, or both.
- (2) Activation of each zone or circuit providing irrigation water to turf grass, noting malfunctions observed in the operation of each of the following:
 - (A) The irrigation valve.
 - (B) Visible irrigation supply piping.
 - (C) Sprinkler heads and stems.
- (3) During activation of the system pursuant to paragraph (2), observation of any of the following during the period of operation, in minutes, specified in the report:
 - (A) Irrigation spray being directed to hardscape.
 - (B) Irrigation water leaving the irrigated area as surface runoff.
 - (C) Ponding of irrigation water on the surface of the irrigated area.
- (4) Notation whether inspection is limited due to snow, ice, or other site conditions that impede an inspection.

(b) Notwithstanding any other law, a sanction or penalty regarding prohibited hours, days, or effects of operation of a landscape irrigation system shall not be levied upon either the home inspector, the landscape irrigation auditor, the occupant, or the owner of a property by any state or local agency or water purveyor as a consequence of the operation of a landscape irrigation system for the purpose of an irrigation system inspection carried out under this section.

(c) A home inspector is encouraged to provide information or access to information regarding water-efficient landscape irrigation systems within the home inspection report.

(d) To the extent funds are available, the Department of Water Resources, in consultation with the California Real Estate Inspection Association and the Department of Housing and Community Development, shall compile an estimate of the number of properties for which an irrigation system inspection report has been prepared each year, beginning with 2018, for inclusion in an update to the California Water Plan.

SEC. 4. Section 65592 of the Government Code is amended to read:

65592. Unless the context requires otherwise, the following definitions govern the construction of this article:

(a) "Department" means the Department of Water Resources.

(b) "Director" means the Director of Water Resources.

(c) "Local agency" means any city, county, or city and county, including a charter city or charter county.

(d) "Water efficient landscape ordinance" means an ordinance or resolution adopted by a local agency, or prepared by the department, to address the efficient use of water in landscaping.

SEC. 5. Section 65596 of the Government Code is amended to read:

65596. The updated model ordinance adopted pursuant to Sections 65595 and 65596.5 shall do all the following in order to reduce water use:

(a) Include provisions for water conservation and the appropriate use and groupings of plants that are well-adapted to particular sites and to particular climatic, soil, or topographic conditions. The model ordinance shall not prohibit or require specific plant species, but it may include conditions for the use of plant species or encourage water conserving plants. However, the model ordinance shall not include conditions that have the effect of prohibiting or requiring specific plant species.

(b) Include a landscape water budget component that establishes the maximum amount of water to be applied through the irrigation system, based on climate, landscape size, irrigation efficiency, and plant needs.

(c) Promote the benefits of consistent local ordinances in neighboring areas.

(d) Encourage the capture and retention of stormwater onsite to improve water use efficiency or water quality.

(e) Include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions, specific terrains and soil types, and other environmental conditions. The model ordinance shall include references to local, state, and federal laws and regulations regarding standards for water-conserving irrigation equipment. The model ordinance may include climate information for irrigation scheduling based on the California Irrigation Management Information System (Chapter 2 (commencing with Section 10015) of Part 1.5 of Division 6 of the Water Code).

(f) Include provisions for onsite soil assessment and soil management plans that include grading and drainage to promote healthy plant growth and to prevent excessive erosion and runoff, and the use of mulches in shrub areas, garden beds, and landscaped areas where appropriate.

(g) Promote the use of recycled water consistent with Article 4 (commencing with Section 13520) of Chapter 7 of Division 7 of the Water Code.

(h) Seek to educate water users on the efficient use of water and the benefits of doing so.

(i) Address regional differences, including fire prevention needs.

(j) Exempt landscaping that is part of a registered historical site.

(k) Encourage the use of economic incentives to promote the efficient use of water.

(l) Include provisions for landscape maintenance practices that foster long-term landscape water conservation. Landscape maintenance practices may include, but are not limited to, performing routine irrigation system repair and adjustments, conducting

water audits, and prescribing the amount of water applied per landscaped acre.

(m) Include provisions to minimize landscape irrigation overspray and runoff.

(n) Include provisions requiring that each plant or a representative number of each type of plant, as determined by the director, installed in a new or rehabilitated landscape be identifiable at the time of inspection as to its correct name as specified in Section 53481 of the Food and Agricultural Code.

SEC. 6. Section 65596.5 of the Government Code is amended to read:

65596.5. (a) On or before January 1, 2020, and at least every three years thereafter, the department, after holding one or more public hearings, shall do one of the following:

(1) Update the model water-efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990.

(2) Make a finding that an update to the model water-efficient landscape ordinance at that time is not a useful or effective means to improve either the efficiency of landscape water use or the administration of the ordinance.

(b) On or before January 1, 2020, and at least every three years thereafter, the department shall consider and propose revisions to the publication "Water Use Classification of Landscape Species" and its associated database as the director deems necessary or desirable to add unlisted plant taxa being offered for sale in California and to correct errors in existing listings.

(c) When the model water-efficient landscape ordinance has been updated, the department shall submit the update to the Building Standards Commission for consideration during the triennial revision process of the California Green Building Standards Code.

SEC. 7. Section 65596.7 is added to the Government Code, to read:

65596.7. (a) On or before June 30, 2019, the director shall convene a working group comprised of representatives from the landscape nursery industry, the agricultural community, the landscape retail industry, environmental organizations, urban water agencies, academia, landscape contractors, landscape architects, and the independent technical panel created pursuant to Section 10631.7 of the Water Code.

(b) The working group shall have both of the following tasks:

(1) Examining the current state of consumer information available and accessible regarding water use associated with landscape plants.

(2) Exploring and identifying options for improving the availability, accessibility, and quality of consumer information regarding water use associated with landscape plants, in both electronic and physical formats.

(c) The working group shall complete its tasks on or before January 1, 2020, and shall provide a written overview of its findings and recommendations, if any, to the director, the Executive Director of the State Water Resources Control Board, the Speaker of the Assembly, and the President pro Tempore of the Senate.