



# Water Conservation Laws for Homeowners Associations

## State Laws Governing HOAs and Landscaping

### Assembly Bill 1881 (2006)

This bill established that the architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group.

### Assembly Bill 1061 (2009)

Precludes HOAs from prohibiting or restricting residents' compliance with local water-efficient landscape ordinances and local water use restrictions.

### Assembly Bill 2100 (effective 7/21/14)

Prohibits HOAs from imposing a fine or assessment on property owners for reducing or eliminating watering of plants and lawns if the governor or local government has declared a drought emergency.

### Senate Bill No. 992 (effective 9/18/14)

Prohibits HOAs from requiring power washing of exterior surfaces during a governor or local government declared drought and clarifies that a common interest development cannot penalize property owners for reducing or eliminating watering of plants and lawns during a drought emergency unless the development uses recycled water for landscape irrigation.

### Assembly Bill No. 2104 (effective 1/1/15)

Bars a common interest development from prohibiting the replacement of existing turf with low water-using plants. This measure preserves the authority of a common interest development to impose design and quality standards.

## Resolution 2016-0007 To Adopt an Emergency Regulation

- (e)(1) To prevent the waste and unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:
- (A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivision (a) of the Civil Code; or
  - (B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code.
- (2) As used in this subdivision:
- (A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.
  - (B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.
  - (C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.
  - (D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.
  - (E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.
  - (F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.
- (3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (e)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation. Authority: Section 1058.5, Water Code.