

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA SUPPORTING STATE ASSEMBLY BILL 2104  
(GONZALEZ) IN ORDER TO ENHANCE HOMEOWNERS'  
RIGHTS TO ALTER THEIR LANDSCAPING FOR BETTER  
WATER CONSERVATION

WHEREAS, California is faced with the enormous challenge of meeting the water needs of a growing population with a limited supply of water; and

WHEREAS, in April 2013, Governor Brown issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water; and

WHEREAS, in January 2014, Governor Jerry Brown brought attention to the current deteriorating situation and declared a drought emergency; and

WHEREAS, according to the California Department of Water Resource's 2013 California Water Pan Update, residential landscape water uses account for 35% of the statewide urban water usage; and

WHEREAS, residents who belong to Homeowner's Associations (HOAs), estimated at 15-25% of California's population, are not always freely able to curb landscape water usage and become more efficient by replacing their lush, water-intensive lawns with attractive, well-designed, and water efficient landscaping because of HOA rules and penalties; and

WHEREAS, existing state regulations (Title 23 California Code of Regulation 492.6(a)(1)(G)), prevent HOAs from enforcing architectural guidelines that prohibit drought-tolerant landscaping, but still leave some homeowners vulnerable to being penalized for replacing existing turf with drought-tolerant landscaping, and

WHEREAS, Assembly Bill 2104 (Gonzalez) addresses this issue by ensuring that homeowners living in common-interest developments will have the right to alter the landscaping on their residential property to better conserve water without guidelines that prohibit, or have the effect of prohibiting replacement of existing turf; and

WHEREAS, adopting Assembly Bill No. 2104 would also help water providers, from cities to water districts, meet current state law requirements to come up with plans to cut back during droughts and reduce water consumption by 20% by the year 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it supports Assembly Bill No. 2104 and its provisions that strengthen an individual homeowner's right to replace existing turf with drought-tolerant landscaping for better water conservation, and urges the California State Legislature to expeditiously adopt Assembly Bill 2104.

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of this resolution to Assembly Member Lorena Gonzalez, and to the Honorable members of the State Assembly who represent the San Diego region, to show the City Council's support for AB 2104.

Presented by

Approved as to form by

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Patricia Aguilar  
Councilmember

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Glen R. Googins  
City Attorney