

Date of Hearing: May 10, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1572 (Friedman) – As Amended April 20, 2023

Policy Committee: Water, Parks and Wildlife Vote: 9 - 3

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill, among other things, phases in a prohibition on the use of potable water to irrigate nonfunctional turf on specified property types.

Specifically, this bill:

- 1) Prohibits, with specified exceptions, the use of potable water to irrigate nonfunctional turf on commercial, industrial, institutional, and multifamily residential properties and properties owned or leased by the Department of General Services (DGS), by specified dates. Requires owners of these property types with more than 5,000 square feet of irrigated area, other than a cemetery, to certify to the State Water Board compliance with this bill, as specified.
- 2) Permits the State Water Resources Control Board (State Water Board) to postpone a compliance deadline by up to three years through regulation and requires the State Water Board, by July 1, 2025, to adopt regulations to develop procedures and criteria for compliance deadline extensions.
- 3) Requires public water systems, by January 1, 2026, to revise their regulations, ordinances, or policies to impose the prohibition and to communicate the requirements to their customers.
- 4) Subjects an entity not in compliance with this bill to civil liability and penalties and authorizes a water system, city, county, or city and county, to enforce this bill's provisions.
- 5) Requires, by July 1, 2030, the State Water Board to begin annual compliance audits to track implementation of this bill, as specified.
- 6) Requires the Department of Water Resources (DWR) to provide information and resources on converting nonfunctional turf to native vegetation using specified platforms and to prioritize water conservation and integrated regional water management (IRWM) funding to prioritize financial assistance for nonfunctional turf replacement for public water agencies serving disadvantaged communities and to owners of affordable housing.
- 7) Requires DWR to analyze and quantify how compliance with this bill supports the goal of reducing reliance on the Sacramento-San Joaquin Delta.
- 8) Requests the Division of Agriculture and Natural Resources within the office of the President of the University of California (UC ANR) to consult with the Department of Education (CDE) to disseminate information on native and climate-appropriate plants in K-12 schools,

and requires the vice president of UC ANR, by June 30, 2026, to report to the Legislature on progress implementing this bill.

- 9) Requires the Governor's Office of Business and Economic Development (GO-Biz) to support small and minority-owned businesses that provide services that advance compliance with this bill.

FISCAL EFFECT:

- 1) The State Water Board estimates annual costs of approximately \$450,000 for three years to adopt required regulations and additional ongoing annual costs of an unknown but significant amount, in the low millions of dollars, to conduct annual compliance audits, including establishing methodology and criteria for a representative sample of covered properties (General Fund).
- 2) DWR estimates total costs of approximately \$350,000 over five years for staff and consultant costs to analyze and quantify how compliance with this bill supports the goal of reducing reliance on the Delta (General Fund).
- 3) Costs of an unknown but potentially significant amount to UC ANR and CDE to disseminate required information in K-12 schools and to report to the Legislature.
- 4) DGS estimates costs of an unknown but potentially significant amount, ranging from tens of thousands to millions of dollars, to vacate noncompliant buildings and property leased by the state and to replace nonfunctional turf on state-owned properties where non-potable water is unavailable for irrigation.
- 5) Minor and absorbable costs to GO-Biz.

COMMENTS:

- 1) **Purpose.** According to the author:

A large portion of California's treated drinking water is used to irrigate urban landscapes. In a year without drought restrictions, roughly half of all publicly supplied water is used outdoors, primarily for landscape irrigation.... In a study published in 2005, it was estimated that California had approximately 2.75 million acres of turf grass. Nearly all this turf requires irrigation to survive, and nearly all the irrigation is with treated drinking water... [This bill is] an extension of past and current state policies to reduce unnecessary water consumption in urban landscapes.

- 2) **Background.**

Executive Order Addressing Worsening Drought. Executive Order (EO) EO N-7-22, issued by the Governor in March 2022 to address worsening drought conditions in the state, directed a suite of actions, including that the State Water Board consider adopting an emergency regulation banning the irrigation of nonfunctional turf in the commercial, industrial, and institutional sectors. Following the Governor's direction, the State Water Board adopted an

emergency regulation banning the irrigation of decorative grass, with limited exceptions, that took effect on June 10, 2022. The emergency regulation remains in effect until June 10, 2023. The emergency regulations define “nonfunctional turf” as turf that is “solely ornamental and not regularly used for human recreational purposes or for civic or community events” and does not include “sports fields and turf that is regularly used for human recreational purposes or for civic or community events.” This definition is slightly narrower than this bill’s definition of nonfunctional turf in that the bill defines nonfunctional turf according to its designated use.

The administration released its “California’s Water Supply Strategy: Adapting to a Hotter, Drier Future” in 2022 to address a projected 10% decrease in water by 2040 due to climate change. One action highlighted in the strategy is the conversion of 500 million square feet of ornamental turf to landscapes that use less water by 2030 with the help of programs and policies that incentivize turf conversion. According to the strategy, if this goal is achieved, it could save 66,000 acre-feet of water annually. The strategy directed DWR to establish a grant program to support local efforts to replace ornamental turf with drought-tolerant landscaping and — where schools and parks require turf — to make turf irrigation and maintenance more efficient, with a focus on disadvantaged communities.

Nevada Nonfunctional Turf Ban. In 2021, the Nevada Legislature banned the use of Colorado River water, beginning January 1, 2027, to irrigate nonfunctional turf on commercial, multifamily, and institutional properties within the service territory of the Southern Nevada Water Authority (SNWA) or its member agencies. SNWA serves more than 2.2 million residents in Southern Nevada, including the Las Vegas metropolitan area. This bill’s definition of nonfunctional turf is similar to the one used by SNWA.

- 3) **Related Legislation.** AB 1573 (Friedman) makes changes to provisions in the Model Water Efficient Landscape Ordinance developed by DWR, including requiring the use of more native or water-efficient plants and a prohibition on the use of nonfunctional turf in new or renovated commercial and industrial areas. AB 1573 is pending in this committee.

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