

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 2947 (Lackey) – As Amended April 8, 2024

**SUBJECT:** Water: turfgrass conversion

**SUMMARY:** Requires the Department of Water Resources (DWR) to permit “turfgrass conversion” rebates when allocating water conservation funds to local water agencies.

Specifically, **this bill:**

- 1) Defines “turfgrass conversion” for the purposes of this bill as the transition of existing turfgrass to climate-appropriate turfgrass varieties or ground cover that requires less water than the existing landscape area. Clarifies that “turfgrass conversion” does not include conversion to artificial turf.
- 2) Provides DWR shall not exclude turfgrass conversion rebate programs when it allocates funding to turf replacement programs for conservation purposes so long as the turfgrass conversion program meets the following:
  - a) The recipient of a turfgrass conversion rebate achieves a net water savings based on the Plant Factors for Turfgrasses published by the University of California, Davis, California Center for Urban Horticulture; and
  - b) Requires the use of the most efficient turfgrass irrigation equipment identified by the model water efficient landscape ordinance (MWELo) adopted by DWR.
- 3) Requires DWR, after January 1, 2025, to update the Plant Factors for Turfgrasses in collaboration with the University of California, Davis, California Center for Urban Horticulture to reflect the latest known requirements for turfgrass varieties.
- 4) Permits DWR to use the [saveourwater.com](http://saveourwater.com) website to provide information on water savings from, and environmental benefits of, turf conversion. States the Legislature’s intent that DWR emphasize the ecological and health benefits of maintaining appropriate green spaces, efficient watering practices for turfgrass, and the potential negative consequences of complete turfgrass removal when educating the public about water conservation.
- 5) Requires an urban water supplier receiving funds awarded by DWR for turfgrass conversion rebates after January 1, 2025 to report annually to DWR on the number of turfgrass conversions funded under the program and the associated estimated water savings.
- 6) Provides DWR may audit and review an urban water supplier’s turfgrass conversion program implemented under this bill.
- 7) States legislative findings and declarations regarding water use in California and the benefits of water conservation.

**EXISTING LAW:**

- 1) Prohibits the use of potable water to irrigate nonfunctional turf on commercial, municipal, institutional (except for cemeteries), homeowners' association, common interest development, and community service organization properties. Begins a phase-in of this ban on specified property types beginning January 1, 2027 (Water Code § 10606.14).
- 2) Enacts the Water Conservation in Landscaping Act to promote the conservation and efficient use of water in landscape design, installation, maintenance, and management. Under the Act, DWR must adopt MWELO and prescribes contents of MWELO, including provisions for water conservation, appropriate groupings of plants for different climates, a landscape water budget, and stormwater capture (Government Code § 65591 *et seq.*).
- 3) Requires local agencies to adopt MWELO or a comparable ordinance that is at least as effective as the updated MWELO by January 1, 2010, and provides that MWELO shall apply if a local agency does not meet this deadline (Government Code § 65595).

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

- 1) **Purpose of this bill.** According to the author, “Recognizing the diverse landscapes and conservation needs across the state, there is no one-size-fits-all solution to saving water. Urban water suppliers will need more options and resources to encourage their ratepayers to further reduce outdoor water use. This bill seeks to provide an opportunity to realize water savings on turf landscapes by installing climate-appropriate turf coupled with the most efficient irrigation equipment available.”

“Water is an incredibly divisive issue, it is important that as a state we focus on conservation to ensure that all Californians have access to clean water. But, in order to make that happen, we must encourage our neighbors to convert to water-saving practices, products, and so much more. Considering the impacts of climate change, we all must be conscience of our water usage, for not only ourselves, but our future children.”

- 2) **Background.** AB 325, Chapter 1145, Statutes of 1990, enacted the Water Conservation in Landscaping Act requiring DWR to develop MWELO. This model ordinance applies to new development and retrofitted landscapes and is aimed at increasing water efficiency and improving environmental conditions in the built environment. The original MWELO was adopted and went into effect January 1, 1993. MWELO was then updated in January 1, 2010 and again in April 2015 (via Executive Order B-29-15.) Local agencies must adopt a local ordinance that is at least as stringent as MWELO and must report to DWR on implementation of MWELO by January 31<sup>st</sup> each year.

*Water conservation programs.* DWR implements various water conservation funding programs that provides funds to local water agencies that, in turn, use the state funds to offer or match water conservation rebates to their customers. A recent example is the 2022 Urban Community Drought Relief Grant Program (2022 Program). The 2022 Program combined drought relief, turf replacement, and water conservation programs and made approximately \$300 million available for various projects to reduce water demand. Local agencies, nonprofit organizations, and tribes were eligible to apply for these funds to implement projects such as drought planning, education, fixture replacement incentives and rebates, and rebates for turf replacement with drought tolerant landscaping or with climate appropriate

turf species. The Legislature appropriated the funding for the 2022 Program as part of larger drought relief packages contained in the Budget Act of 2021 and Budget Act of 2022. This bill ensures that, when future funding is appropriated to DWR for turf replacement rebates, turfgrass conversion rebates will be eligible for the funding.

- 3) **Arguments in support.** ScottsMiracle-Gro is the sponsor of this bill and maintains that turf is an essential part of our environment and that it provides a number of benefits including carbon sequestration, reduced stormwater runoff, improved soil quality, decreased noise pollution, and reduced temperatures. ScottsMiracle-Gro argues “Use of more water efficient grasses coupled with conventionally utilized strategies and tools in landscape transition is a sound strategy to engage with homeowners and it provides those who do not wish to remove their lawns an equal opportunity to play a part in the greater water conservation effort while retaining the green spaces they desire for their home and family needs” and that, by simply making funds available for turf conversion, this bill gives communities options to reduce water use.
- 4) **Related legislation.** AB 1572 (Friedman), Chapter 849, Statutes of 2023, prohibits the use of potable water to irrigate nonfunctional turf on commercial, municipal, institutional (except for cemeteries), homeowners' association, common interest development, and community service organization properties. Begins a phase-in of this ban on specified property types beginning January 1, 2027.

AB 1573 (Friedman) of the current legislative session makes changes to required provisions in MWELo including the use of more nonnative plants that are non-invasive, provide pollinator benefits, and are low-water use, and native plants, and prohibiting the use of nonfunctional turf in nonresidential landscape projects. AB 1573 is pending on the Senate Inactive file.

AB 1881 (Laird), Chapter 559, Statutes of 2006, requires DWR to update MWELo by January 1, 2009, based on recommendations in the report requested by AB 2717 (Laird), Chapter 682, Statutes of 2004, and requires local agencies to adopt the updated MWELo or an alternative ordinance that is at least as effective as MWELo by January 1, 2010.

AB 2717 (Laird), Chapter 682, Statutes of 2004, requests that CUWCC convene a stakeholder working group to develop, evaluate, and recommend proposals for improving the efficiency of water use in new and existing urban irrigated landscapes in the state and make recommendations, including possible updates to MWELo, to the Governor and Legislature by December 31, 2005.

AB 325 (Clute), Chapter 1145, Statutes of 1990, enacts the Water Conservation in Landscaping Act that requires DWR to develop MWELo by January 1, 1992, and requires local agencies to adopt the MWELo by January 1, 1993, or make findings explaining why a local ordinance is not necessary.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

ScottsMiracle-Gro Company (sponsor)

American Seed Trade Association  
Bay Area Jewish Earth Alliance  
California Alliance for Golf  
California Golf Course Superintendents Association  
California Manufacturers & Technology Association  
California Seed Association  
Golf Course Superintendents Association of America  
OFA Marin  
Safe Healthy Playing Fields, Inc.  
San Diegans for Sustainable, Equitable, & Quite Equipment in Landscaping  
Southern California Golf Association  
Turfgrass Water Conservation Alliance

**Opposition**

None on file

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