

Turf wars: Does grass always have to be greener?

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John Gioia's homeowner association warned him last fall — during the drought — to water his front lawn more to meet the community standards for lush and green.

The association also has a 20-year-old rule that won't let him replace his front lawn with rosemary, meadow grass and other drought-resistant plants.

"It doesn't make sense that we have these old rules in homeowner associations that discriminate against low water-using plants in a state struggling with water shortages," said Gioia, a Contra Costa County supervisor.

Two of California's biggest urban water districts agree, and have teamed up to sponsor state legislation that would bar local homeowner associations from requiring lush lawns in droughts and prohibiting homeowners from replacing lawns with less-thirsty plants.

Assembly Bill 1061 bill sailed through its first test Tuesday with unanimous approval from the Assembly Water, Parks and Wildlife Committee.

The East Bay Municipal Utility District and the Metropolitan Water District of Southern California teamed up to support the bill, which could apply to millions of Californians living in planned unit developments.

"It shocked me to hear that some homeowners are getting warning letters because they're trying to comply with our rationing," said Andy Katz, an EBMUD board member from Berkeley.

Under the bill, homeowner association rules would be "void and unenforceable" if they restrict compliance with local landscaping ordinances or conservation measures.

Many environmental groups endorse the bill, while a group representing homeowner associations opposes it unless changes are made.

Ron Kingston, a lobbyist for the Community Associations Institute, said the bill is written so broadly it could disrupt homeowner groups' authority to review an individual homeowner's landscaping plans that spell out the type, number and placement of plants.

Many people chose to live in developments with association rules because they like the appearance of common landscaping, architectural design and colors, he said. "We recognize the state's interest in conservation, but we need to preserve the right to review plans," Kingston said.

Assemblywoman Nancy Skinner, D-Berkeley, and State Sen. Mark DeSaulnier, D-Concord, co-sponsors of the bill, said the measure would not strip homeowner associations of review rights, but would bar them from cutting off water-saving options for individuals.

Gioia, a former EBMUD board member, said his homeowners group in Richmond hasn't penalized him, and he's found sympathy on the association board for amending its rules. But the process for changing rules is cumbersome, and figures to be even longer because board members want to look at other rule changes besides landscaping, he said.

Passage of the state law could provide him a quicker path to legally replace his lawn with drought-resistant plants, Gioia said.

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