
State Water Resources Control Board

June 6, 2022

Richard A. Monson
Consultant
California Association of Homeowners Associations, Inc.
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Dear Mr. Monson:

On May 24, 2022, the State Water Resources Control Board adopted an emergency water conservation regulation in response to the current drought. Information about the regulation, including a list of frequently asked questions, can be found [on the Board's website](#). For the purpose of the regulation, homeowners' associations (HOAs) are considered as part of the commercial, institutional, and industrial sector and are therefore subject to the portion of the regulation that bans irrigation of non-functional turf. Effective June 10, 2022, HOAs therefore must cease irrigation of areas of non-functional turf under the HOA's control. Residential properties, including those within HOAs, are not subject to this new regulation.

As a reminder:

- State law prevents HOAs from fining or obstructing homeowners implementing conservation measures, including installing water-efficient landscaping, during drought. And when there is no longer a drought state of emergency, HOAs cannot prevent them from maintaining that landscaping or require them to remove it.
- The first water conservation emergency regulation of 2022 remains in effect. That prohibited forms of water waste including Outdoor watering that lets water run onto sidewalks and other areas. Information specific to that the regulation, including [a list of frequently asked questions](#), can be found on the Board's website.

The new regulation defines non-functional turf as a ground cover surface of mowed grass that is solely ornamental and not otherwise used for human recreation purposes. In addition to not applying to residences, non-functional turf does not include school fields, sports fields, and areas regularly used for civic or community events. Thus, HOAs must determine whether turf is functional or not when implementing landscape irrigation.

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Violations of the non-functional turf irrigation ban are enforceable by local governments with infraction authority and by the Board.

As climate change amplifies the severity of extreme weather including drought, it is imperative that we adapt our water use to eliminate wasteful practices. Our expectation is that each HOA notify residents about the drought and allowable conservation actions, along with the HOA's determination about which HOA-controlled turf will be classified as non-functional and the basis for that decision.

HOAs interested in financial assistance for conservation actions, such as turf removal rebates, should contact their local water supplier. Once the state budget for fiscal year 2022-23 is adopted, additional conservation funds may be available. Information can be obtained from [the state's drought website](#).

Should you have questions, please contact Chris Hyun at Chris.Hyun@waterboards.ca.gov.

Thank you for doing your part to conserve water and create a water resilient future for California.

Sincerely,



Eileen Sobeck
Executive Director