GOVERNOR APPROVES 2 MORE CNPS SUPPORTED BILLS

During the last half of September, Governor Brown approved Assembly Bill 2104 relating to common interest developments and Assembly Bill 2193 relating to fish and wildlife habitat restoration and enhancement.

In essence, AB 2104 provides that governing documents or guidelines of common interest developments shall be void and unenforceable if they prohibit the use of low water-using plants as a group or as a replacement of existing turf; or if they prohibit or restrict compliance with either water efficient landscape ordinances adopted under the Government Code or regulations or restrictions on the use of water adopted under the Water Code. For good measure, the new law also prohibits an association from imposing a fine or assessment against a member for reducing or eliminating the watering of landscape including lawns during a period of drought emergency declared by the Governor or local entity under the Government Code.

AB 2193 enacts the Habitat Restoration and Enhancement Act and requires the Director of the Department of Fish and Wildlife to approve a habitat or restoration project, as defined, if specified conditions are met as determined by the Director. The Act also creates the Habitat Restoration and Enhancement Account within the Fish and Game Preservation Fund. The Department is authorized to accept funds and to assess fees for this account. These monies in the account will be available for the purposes of administering the Habitat and Restoration Act. The new law will be automatically repealed on January 1, 2022. A habitat restoration project is defined in the law as “a project with the primary purpose of improving fish and wildlife habitat.” Notwithstanding this rather narrow definition, the legislative findings preceding the operative provisions of the law recognize the need for protection and restoration of plants and ecosystems as well as fish and wildlife. In any event, the restoration and enhancement of fish and wildlife habitat will have a beneficial effect on native plants and ecosystems. The law is designed to provide an expedited and coordinated agency permitting process for small scale restoration projects.

The full text of bills and the Legislative Analyst’s summary are available on the California Legislature Information website (Click Link Here).

CNPS positions on bills are available at CNPS Legislative Report (Click Link Here). Overview of CNPS Legislation Program (Click Link Here).