

California's Drought & What It Means for HOAs

A GUIDE FOR HOMEOWNER ASSOCIATIONS: UNDERSTANDING
DROUGHT MEASURES, RESTRICTIONS, & IMPACTS FOR COMMUNITIES

A natural occurrence constantly on the mind of Southern California HOAs is the drought. It continuously plagues the state and keeps communities on alert about state guidelines and what to do to protect their property's landscaping.

To give HOA board members an understanding of what to know about drought restrictions, we tapped our internal HOA management team and external experts for guidance. We gathered insights from Adam Armit, a highly respected Southern California landscape professional who is an ISA Certified Arborist, Master Gardener, Qualified Water Efficient Landscaper (QWEL), and Landscape Industry Certified (LIC) and Max Moreno, Jr., VP of Water Conservation for Harvest Landscape Enterprises.

In this guide, we discuss where drought restrictions are now, where they could be headed, and what community association management teams need to know.





Current State: Megadrought and Water Conservation

California is in the midst of a megadrought, the driest 22-year period on record in 1,200 years. In 2015, former Governor Jerry Brown declared an emergency drought situation coupled with a conservation mandate that required cities throughout the state to reduce their water usage as a whole by 25%. This was the first-ever instance of statewide, mandatory water reductions in California. As the statewide water conservation efforts eventually improved the strain on our water supply, restrictions were lifted.

However, with the ongoing lack of rainfall year after year, Governor Gavin Newsom has doubled down on the efforts to conserve the dwindling supply of water throughout the state by reinstating a drought state of emergency. This went into effect on January 18, 2022 for all counties in California.

**PER THE EMERGENCY
REGULATION REQUIREMENTS,
AT THE VERY MINIMUM,
CALIFORNIANS WERE ASKED TO
DO THE FOLLOWING TO ASSIST
IN CONSERVATION EFFORTS:**

- Turn off decorative water fountains
- Turn off/pause your irrigation systems when it's raining and for two days after rain
- Use an automatic shutoff nozzle on your water hose
- Use a broom, not water, to clean sidewalks and driveways
- Give trees only what they need and avoid overwatering

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More recently, the governor declared a stage two drought emergency and directed the California State Water Board to consider adopting an emergency regulation for urban water conservation; thereby calling every local water agency to apply restrictions according to their Water Shortage Contingency Plans by no later than June 10, 2022.

Simply put, the State Water Board's second water conservation emergency regulation of 2022 involves water conservation actions appropriate for each area of the state with specific emphasis on water restrictions for irrigating non-functional turf. The goal is to reach a target of a 20% water reduction based on the 2020 usage of water.

THE LEVEL TWO DEMAND REDUCTION ACTIONS PROVIDE THE FOLLOWING GUIDELINES:

- Commercial, industrial, and institutional decorative grass should not be watered
- Avoid overwatering trees, providing no more moisture than they need
- Each water district should follow the local requirements of its water supplier noting the way in which each agency reaches the restriction amount will vary

These guidelines will remain in effect for one year, unless the State Water Board modifies or readopts them, or ends the restrictions before then.



Overview of California Drought Guidelines

Effective June 1, 2022, a large portion of Southern California will be affected by drought restrictions when it comes to landscaping irrigation. The area spans a population of approximately six million people and will apply to areas in Los Angeles, Ventura, and San Bernardino counties. Larger cutbacks will occur where there's a higher need for irrigation for areas like the Imperial Valley which will affect property management and their communities, among others.

In the past, restriction guidelines have been decided statewide. However, this time the plan is to leave water allocations and action plans up to water wholesalers to determine a path forward. The solution currently in place involves restricting outdoor water usage to one day a week or face fines for noncompliance.



Stage Two Water Restrictions on Non-Functional Turf

California's stage two water restrictions involve non-functional/ornamental turf used for commercial, institutional, and industrial purposes.

Per the California Water Boards Fact Sheet, **“Non-functional turf is a mowed grass ground cover that is ornamental and not otherwise used for human recreation purposes. Non-functional turf does not include school fields, sports fields, and areas regularly used for civic or community events.”**

Additionally, any turf not used for residential or recreational use must not use potable water for irrigation.

“The regulation does not ban the irrigation of trees or other non-turf plantings. There is an exemption process available for certain low water-using turf species and irrigation approaches. To be exempt from the ban, an owner or manager must provide their water supplier evidence that they have met specific requirements.”

HOA board members and homeowners alike might be left wondering, what does this mean for both my association's common areas as well as my home?



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The stage two drought regulations apply to California homeowners' associations but only to non-functional turf on the property the HOA owns, and not residences.

Per the California Water Boards, “While an individual’s property is considered residential, property owned and maintained by an HOA is considered the same as landscapes owned and maintained by commercial or institutional entities. This means the regulation does not prevent homeowners from irrigating turf; it prohibits the irrigation of non-functional turf (with potable water) on property an HOA owns. However, the regulation does not ban the irrigation of turf used for recreation or community activities.”

When deciding if turf is functional, an HOA should:

“review areas of turf that it maintains, consult with its community management professionals and landscape experts to determine whether the turf is functional or not. Water suppliers may defer to HOAs’ determinations that specific areas of turf are used for recreation or community events. However, water suppliers also retain the authority to enforce the irrigation ban if there is a documented violation.”



SoCal Districts Most Affected

As a baseline, water that comes in from northwest California is referred to as “SWP” water. SWP stands for “State Water Project” and is a series of canals and reservoirs that transport water from as far north as Lake Oroville, located north of Sacramento, and delivers water to the farmland of the Central Valley and ends in Southern California.

The SWP provides about 30% of the water used in Southern California regions, although some water agencies use more than others.



THE UPCOMING DROUGHT RESTRICTIONS WILL AFFECT THOSE WHO LIVE IN WATER DISTRICTS THAT RELY ON SWP WATER, WHICH INCLUDE:

- LA Department of Water and Power
- Upper San Gabriel Valley Municipal Water District
- Las Virgenes Municipal Water District
- Inland Empire Utilities Agency
- Calleguas Municipal Water District
- Three Valleys Municipal Water District

Many think the state’s water system is one large, interconnected pipeline. Unfortunately, this isn’t the case. These affected areas don’t have sufficient well water or other tangible sources to make up for the lack of water. For instance, these agencies don’t have a connection to the other major source of imported water from the Colorado River.

So, where does the water come from?

Where Water in Southern California Is Sourced

Southern California uses multiple sources for water, the four main sources are well water, imported water from Northwest California, water from Northeast California, and imported water from the Colorado River. Many water districts use water from various sources however some depend on certain sources more than others.



Water that comes from the Colorado River starts its journey to Southern California from Lake Havasu at the Parker Dam. This water starts as far northeast as the Rocky Mountains and flows through Utah, and Lake Powell, Lake Mead, Lake Mohave, etc. The endpoint is Lake Mathews near Corona; although, some is channeled to San Diego. Water is also sourced from local rainfall and pumping water from local wells to supply a significant amount to landscaping via recycled water.

Metropolitan Water District of Orange County is the largest in the region and receives most of its water supply from ground wells and approximately 35% from imported water supplies. The water collected from this system is mainly snowpack melt off from the Sierra Nevada mountains that flows west toward the ocean. There is another route available, mainly available for Los Angeles to receive Northern California water, from the Owens Valley on the more southeast side of the Sierra Nevada. However, further south into San Diego cannot receive any water from the Owens River area because there's simply no way to move it from Los Angeles.



Keeping Landscaping Alive During a Drought

When it comes to California's current water restrictions, it's important to know whether your HOA falls within the exemption criteria due to previous water conservation efforts or could qualify based upon current plans to become more water efficient, such as turf removal and replacing it with more water-wise plant material. Many water districts currently offer rebates for removing turf and replacing it with water-efficient landscaping.



The water conservation yielded from eliminating turf can in turn provide water for tens of thousands of homes per year in these districts. Additionally, with even more stringent water restrictions looming on the horizon possibly as soon as this fall, now is an ideal time to talk with your community association management and landscape partner to better understand and classify the landscape in preparation for regulations and preservation.



It's important to note that not watering non-functional turf isn't the same thing as not maintaining landscaping, which includes maintaining shrubs and trees as well as keeping weeds at bay. HOAs and homeowners continue to have the same duty for landscape upkeep as before unless drought regulations prohibit otherwise.



Here's a few tips to keep your association's landscape healthy even during drought emergencies:

Start with tree preservation

Prioritize conserving water to nurture tree maintenance and growth first. Professional landscape companies can provide guidance on watering frequency based upon the age and variety of trees that are in your HOA. Trees require far less water than turf and are costly to replace so focusing on the proper hierarchy for your maintenance plan will benefit your budget in the end. If your association hasn't already done so, consider replacing turf areas with more water-efficient plant material. Choose landscape materials that are drought-tolerant such as bougainvillea, wild lilac, geraniums, and succulents



Check irrigation systems

A broken irrigation system can lead to further water waste and result in a dying landscape. Therefore, it's important to evaluate sprinkler system for malfunction. Check for water pressure, sprinkling system spacing, and possible system leaks to ensure everything is working properly.

Keeping it cool

Set water sprinkler timers for the coolest times of the day - either early in the morning or later at night since soil evaporation is lower during this time. Also, many plants aren't able to absorb water as quickly as needed during a midsummer day. However, note there may be midday wilting visible, though it won't be helped by adding more water. This is likely temporary and affected plants will recover on their own after the sun goes down.

Handling CC&R Landscape Violations

Though the goal is to have green, lush landscaping throughout the year, association boards should carefully review their governing documents to familiarize themselves with the regulations written in their policies. In addition, community managers must pay close attention to the ongoing drought restrictions to determine if landscape violations can be doled out to homeowners who choose not to water their turf.

Some associations may choose to be more forgiving of violations in times of drought; however, it's important to know when a choice becomes a mandate. Per California Civil Code Section 4735(c), when a drought state of emergency is in effect either by the state or a local governing agency, **an HOA cannot:**

- Issue a fine or assessment on a homeowner for reducing or eliminating the watering of the landscape
- Enforce landscaping or architectural guidelines that prohibit compliance with most local water-efficient landscape ordinances



Most water agencies have installed smart meters and smart irrigation controllers throughout California to remotely see when water is running and can monitor water usage to determine who may be violating regulations. Eventually, the water ban will be accompanied by fines and/or highly increased pricing tiers for those found in violation.

Homeowners may remove their lawns and replace them with water-wise plants. If water-efficient landscaping was installed during the drought, an HOA cannot prevent a homeowner from maintaining it or require removing it when there is no longer a drought state of emergency. If the drought persists and conservation efforts are not adhered to, there's a strong possibility of entering stage three in the coming months as well as a threat of advancing to stage four. Both will bring about more stringent restrictions and potential price hikes for water use.

For more information, reporting water abuse, and practical tips for making your community more water-wise, visit [SaveOurWater.com](https://www.saveourwater.com).



Working with Your HOA Management Team

Now is a perfect time to start strategizing with your property management teams about communications for homeowners to make sure everyone is informed and aligned.

Even with drought restrictions in place, there are strategic ways to keep the community looking beautiful and property values intact.



Southern California is no stranger to drought. We are here to help you keep current on water restrictions and provide guidance on what you can do to best preserve your community's appearance.

CONTACT US TODAY TO GET THE CONVERSATION STARTED.

Phone (949) 833-2600

Fax (949) 777-1723

kppm.com

Corporate Office

16775 Von Karman, Ste. 100
Irvine, CA 92606

Temecula

41593 Winchester Road, Suite 113
Temecula, CA 92590

Rancho Santa Margarita

30211 Avenida De Las Banderas, Suite 120
Rancho Santa Margarita, CA 92688

Ontario

3155-D Sedona Court, Suite 150
Ontario, CA 91764

