

From: wenslaw@sbcglobal.net
To: [commentletters](#)
Subject: Comment Letter-Urban Water Conservation
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To: Clark of the Board

I am a private citizen who has an interest in the State's water issues. I watched the webcast today on the staff's proposal on extending the emergency water conservation regulations. I would like to offer a point for consideration that I believe has not been discussed. Although it is not clear yet whether the staff's proposal will be adopted, there is an issue that I would like to see addressed. That issue is the matter of homeowners' associations (HOA) enforcing provisions of the governing documents or architectural or landscaping guidelines of the association. As it stands now, Civil Code section 4735, subsection (c) and the emergency regulation Article 22.5, Sec 864(e)(1) prohibit HOAs from taking action against a homeowner for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency. I would suggest that regardless of how the Board proceeds, this prohibition against a HOA should become a permanent part of statute and regulation, without regard to a declared emergency. Landscape irrigation accounts for a large measure of residential water usage. It has been my experience that local HOA boards are very zealous about enforcing their governing documents. Many homeowners can not afford the thousands of dollars to convert their landscaping to a drought tolerance medium. They are faced with either very high water bills or substantial ongoing fines from the HOA, Presuming that most homeowners care about the appearance of their property, given enough time, homeowners probably can eventually save the funds for re-landscaping. However, the interim treat of fines from a HOA creates an environment not conducive to water conservation goals.

I trust it is not too late in the process for my concern to be taken under consideration.

Thank you for the opportunity to comment.

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