

Date of Hearing: July 12, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Juan Carrillo, Chair  
SB 676 (Allen) – As Amended April 18, 2023

**SENATE VOTE:** 33-5

**SUBJECT:** Local ordinances and regulations: drought-tolerant landscaping.

**SUMMARY:** Specifies that cities or counties may not prohibit the installation of drought-tolerant landscaping using living plant material on residential property, and repeals existing provisions regarding the ability of cities or counties to prohibit or restrict the installation of synthetic grass or artificial turf on residential property. Specifically, **this bill:**

- 1) Specifies that a city, including a charter city, county, or city and county (city or county), shall not enact any ordinance or regulation, or enforce any existing ordinance or regulation, that prohibits the installation of drought-tolerant landscaping using living plant material on residential property.
- 2) Repeals existing law prohibiting a city or county from enacting any ordinance or regulation, or enforcing any existing ordinance or regulation, that prohibits the installation of synthetic grass or artificial turf on residential property.
- 3) Repeals existing law allowing a city or county to impose reasonable restrictions on the type of drought tolerant landscaping, synthetic grass, or artificial turf that may be installed on residential property, as specified.
- 4) Repeals existing law allowing a city or county to impose reasonable restrictions on the installation or design of synthetic grass or artificial turf within the dripline of a tree protected by local ordinance.
- 5) Specifies that “drought-tolerant landscaping” shall not include the installation of synthetic grass or artificial turf.
- 6) Finds and declares that the prolonged drought, along with climate change, requires the state to address water conservation goals that will have long-term impacts in this state, and that drought-tolerant landscaping is a viable landscaping alternative that will further the goal of addressing long-term water conservation. Therefore, allowing property owners in this state to install drought-tolerant landscaping on their residential properties is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.

**EXISTING LAW:**

- 1) Prohibits cities or counties from adopting ordinances or regulations that ban the installation of drought-tolerant landscaping, synthetic grass, or artificial turf on residential property.

- 2) Allows cities or counties to restrict the type of drought-tolerant landscaping, synthetic grass or artificial turf that residents can install on their properties, provided such restrictions are reasonable and do not do any of the following:
  - a) Substantially increase the cost of installation.
  - b) Effectively prohibit the installation.
  - c) Significantly impede the installation, including, but not limited to, requiring a residential yard to be completely covered with living plant materials.
- 3) Allows cities or counties to impose reasonable restrictions on the installation or design of synthetic grass or artificial turf within the dripline of a tree protected by local ordinance. (Government Code § 53087.7)

**FISCAL EFFECT:** None

**COMMENTS:**

- 1) **Author’s Statement.** According to the author, “California is facing prolonged droughts as climate change exacerbates weather patterns, bringing higher temperatures and less precipitation. In an effort to conserve water, the state and many municipalities have implemented strict water conservation policies including the restriction of lawn watering. As a result, some Californians have transitioned to drought-resistant landscaping options, including artificial turf, to reduce household water usage.

“The Legislature enacted a law in 2016 that prohibits local governments from banning or regulating artificial turf in their jurisdictions in an effort to encourage a transition to landscaping alternatives that use less water. However, emerging research reveals that artificial turf incurs significant environmental problems including microplastic pollution, chemical run-off, and lack of recyclability. A 2019 U.S. Environmental Protection Agency study found per- and poly-fluoroalkyl substances (PFAS) in artificial turf – chemicals used since the 1950s to make commercial and industrial products that resist heat, stains, and grease and have been linked to numerous health problems including cancer, kidney and liver damage, birth defects, and harm to children’s health.

“Like most plastics, artificial turf has a limited life span. It is rarely recycled due to the high cost of separating and cleaning the material, as well as market constraints on reusability. When artificial turf needs to be replaced, it is commonly disposed in landfills where it continues to leech toxins into the surrounding soil, water, and air. SB 676 will return power to cities and counties to ban or regulate artificial turf in their communities to manage the associated environmental and waste impacts.”

- 2) **Bill Summary.** This bill clarifies that a city or county may not enact or enforce any ordinance or regulation that bans the installation of drought-tolerant landscaping using living plant material on residential property. The bill provides that “drought-tolerant landscaping” shall not include the installation of synthetic grass or artificial turf, effectively allowing local agencies to ban the installation of synthetic grass or artificial turf on residential property.

This bill repeals existing law authorizing local agencies to impose reasonable restrictions on the type of drought-tolerant landscaping, synthetic grass or artificial turf that can be installed on residential properties.

This bill is sponsored by the author.

- 3) **Background.** State law prohibits local governments from adopting ordinances or regulations that ban the installation of drought-tolerant landscaping, synthetic grass, or artificial turf on residential property [AB 1164 (Gatto) Chapter 671, Statutes of 2015]. However, local agencies can restrict the type of drought-tolerant landscaping, synthetic grass or artificial turf that residents can install on their properties, provided such restrictions are reasonable and do not do any of the following:
- a) Substantially increase the cost of installation.
  - b) Effectively prohibit the installation.
  - c) Significantly impede the installation, including, but not limited to, requiring a residential yard to be completely covered with living plant materials.

In response to this restriction authority, some local jurisdictions, such as the City of Glendale, have excluded the installation of artificial or synthetic turf from their turf replacement rebate program because it does not meet specified sustainability goals. Others, such as the City of Millbrae, have enacted a temporary moratorium on the use of artificial turf and synthetic grass to allow City staff time to develop and prepare a permanent ordinance prescribing landscape standards, specifications, and a process for regulating installation methods.

The use of artificial turf has come under scrutiny in recent years due to health concerns that have been raised about its chemical components, including the presence of perfluoroalkyl and polyfluoroalkyl substances (PFAS). According to the State Water Resources Control Board, PFAS are a large group of human-made substances that do not occur naturally in the environment and are resistant to heat, water, and oil. PFAS have been widely used as surface coatings and protectants in consumer goods such as carpet and home textiles; clothing; food packaging; and non-stick cookware. Exposure can occur through food, food packaging, consumer products, house dust, and drinking water.

- 4) **Arguments in Support.** A coalition of supporters, including the National Stewardship Action Council, Non-Toxic Schools, Environmental Working Group, California Product Stewardship Council, Plastic Pollution Coalition, The Last Plastic Straw, Story of Stuff Project, SEE (Social Eco Education), San Francisco Baykeeper, Northern California Recycling Association, and Active San Gabriel Valley, write, “California’s drought has led some jurisdictions and residents to make the switch to synthetic grass and artificial turf. However, most synthetic grass contains harmful chemicals such as PFAS that get into our waterways, along with microplastics.

“PFAS are toxic, cancer causing ‘forever’ chemicals that persist in the environment and do not break down, posing a very dangerous threat to public health and the environment right now and for generations to come. We are also concerned about material degradation and

microplastics getting into water, soil, and our food chain. A growing number of municipalities across the nation are banning the installation of synthetic grass due to growing concerns about environmental and public health implications.

“SB 676 would disincentivize the switch to synthetic grass or artificial turf which contain harmful chemicals including known carcinogens and can reasonably be expected to break down into microplastics.”

5) **Arguments in Opposition.** None on file.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

A Voice for Choice Advocacy  
Active San Gabriel Valley  
Association of California Water Agencies (ACWA)  
Beyond Plastics  
California Product Stewardship Council  
California Safe Schools  
Center for Public Environmental Oversight  
City of Millbrae  
Clean Water Action  
Cleaneearth4kids.org  
Community Water Center  
Environmental Working Group  
Green Science Policy Institute  
Healthy Building Network  
Las Virgenes Municipal Water District  
National Stewardship Action Council  
Natural Resources Defense Council.  
Non Toxic Communities  
Nontoxic Schools  
Northern California Recycling Association  
Physicians for Social Responsibility - Los Angeles  
Plant California Alliance  
Plastic Pollution Coalition  
Public Employees for Environmental Responsibility  
Responsible Purchasing Network  
Safe Healthy Playing Fields, INC.  
San Francisco Baykeeper  
Sd-sequel  
See (social Eco Education)  
The Last Plastic Straw  
The Story of Stuff Project

**Opposition**

None on file

**Analysis Prepared by:** Angela Mapp / L. GOV. / (916) 319-3958