

AMENDED IN ASSEMBLY MARCH 27, 2017

AMENDED IN ASSEMBLY MARCH 14, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 366**

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**Introduced by Assembly Member Obernolte**

February 8, 2017

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An act to amend Section 106.4 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 366, as amended, Obernolte. Water supply: new residential development: building permits.

Existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility.

This bill would exempt from the prohibition on the issuance of a building permit (1)~~developments~~ *a development* where the source of water supply as described above is not significant and (2)~~developments~~ *a development* of one detached single-family dwelling unit on a parcel that existed before January 1, 2017, if the water provided to the parcel will be obtained from a legal source and delivered by a licensed water ~~hauler~~ *hauler and the parcel is of a certain size with a prescribed average fire response time.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 106.4 of the Water Code is amended to  
2 read:

3 106.4. (a) For the purposes of this section:

4 (1) “Bottled water” has the same meaning as defined in Section  
5 111070 of the Health and Safety Code.

6 (2) “Residential development” has the same meaning as defined  
7 in Section 65008 of the Government Code.

8 (3) “Retail water facility” has the same meaning as defined in  
9 Section 111070 of the Health and Safety Code.

10 (4) “Water-vending machine” has the same meaning as defined  
11 in Section 111070 of the Health and Safety Code.

12 (5) “Water hauler” has the same meaning as defined in Section  
13 111070 of the Health and Safety Code.

14 (b) A city, including a charter city, or a county shall not issue  
15 a building permit for the construction of a new residential  
16 development where a significant source of water supply is water  
17 transported by a water hauler, bottled water, a water-vending  
18 machine, or a retail water facility.

19 (c) This section does not apply to a residence that will be rebuilt  
20 because of a natural disaster.

21 (d) This section does not apply to the development of one  
22 detached single-family dwelling unit on a parcel that existed before  
23 January 1, 2017, if the water provided to the parcel will be obtained  
24 from a legal source and delivered by a licensed water ~~hauler.~~ *hauler*  
25 *and the parcel is either:*

26 (1) *Five acres or more but less than 10 acres and has an average*  
27 *fire response time of 15 or fewer minutes.*

28 (2) *Ten acres or more and has an average fire response time*  
29 *of 20 or fewer minutes.*

30 (e) The Legislature finds and declares that this section addresses  
31 a matter of statewide concern and not a municipal affair, as that  
32 term is used in Section 5 of Article XI of the California  
33 Constitution.

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