

ASSEMBLY BILL

No. 367

Introduced by Assembly Member Obernolte

February 8, 2017

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

LEGISLATIVE COUNSEL'S DIGEST

AB 367, as introduced, Obernolte. Water supply: 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. Under existing law, this prohibition on the issuance of a building permit does not apply to a residence that will be rebuilt because of a natural disaster.

This bill would exempt from the prohibition on the issuance of a building permit a residence that will be rebuilt because of a fire and would provide that this is declaratory of existing law.

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.

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

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

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

7 (5) “Water hauler” has the same meaning as defined in Section
8 111070 of the Health and Safety Code.

9 (b) A city, including a charter city, or a county shall not issue
10 a building permit for the construction of a new residential
11 development where a source of water supply is water transported
12 by a water hauler, bottled water, a water-vending machine, or a
13 retail water facility.

14 (c) This section does not apply to a residence that will be rebuilt
15 because of a *fire or* natural disaster.

16 (d) The Legislature finds and declares that this section addresses
17 a matter of statewide concern and not a municipal affair, as that
18 term is used in Section 5 of Article XI of the California
19 Constitution.

20 SEC. 2. The amendment to subdivision (c) of Section 106.4
21 of the Water Code made by this act does not constitute a change
22 in, but is declaratory of, existing law.