

Artificial Grass. **It's For Real.**

Grass is not native to California. Lawns are an East Coast transplant. The East Coast brought it over from the Old Country. It was marketed as a “just add water and mow” feature that appealed to many homeowners. One might even argue that not having the traditional lawn was unpatriotic. Everyone ignored the fact that most of California is a desert. That is until the drought.

In 2014, Governor Brown declared a State of Emergency due to the persistent drought and issued proclamations for conservation. Civil Code §4735 was amended whereby associations could not penalize members for “reducing or eliminating the watering of vegetation or lawns.” This first piece of legislation restricting community associations was intended to last only as long as the drought.

Then in 2015, an Executive Order was issued mandating a 25% reduction in potable water use, directives to local water districts on conservation and a number of other items related to the drought emergency. Assembly Bill 1 was signed, prohibiting municipalities from fining residents for violations of local ordinances requiring lawn watering and the like during the drought.

The more significant regulations came by way of Assembly Bill 349 which was signed into law in September 2015. Civil Code §4735 was amended so that bans on the use of drought tolerant plants, artificial turf, and/or water-efficient landscape found in the governing documents are unenforceable. Because municipalities and water districts throughout the State promoted rebates for turf replacement, the average homeowner was encouraged to break with tradition and investigate artificial lawns for the first time.

Artificial lawns appear to be here to stay and, if you manage homeowners associations previously known for lush grassy front yards, it is time to recommend that your boards get proactive and adopt architectural guidelines for artificial turf. The alternative is to scramble for information each time a landscape application for artificial turf hits your desk.

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From a procedural standpoint, applicants should be made to provide samples of the material and sketches or renderings demonstrating where the artificial turf will be installed. When it comes down to the substance of the rules, you may want to involve a consultant. General guidelines can be drafted to address (1) heavy metal content, including lead, (2) fire retardant ratings, (3) minimum manufacturer's warranties, (4) the minimum weight of turf, (5) required variation in the grass blades to provide for a more natural look (6) placement dictating the direction of grain, or (7) types of acceptable fill and sub-base material.

Site specific restrictions may be necessary for particular applications. For example, when artificial turf is placed against building surfaces, real grass, or sidewalks it tends to look fake. Requiring a landscaped border can decrease this problem. Screening exposed edges may also be necessary.

Other site specific issues can raise red flags. Like real landscaping, artificial landscaping should be designed with drainage and grade in mind. The use of artificial grass designed for golfing may be a concern if the proposed putting green is adjacent to neighboring homes. The same can be said for artificial turf designed as a dog run.

Finally, after installation, rules regarding maintenance may also prove helpful. While artificial turf does not require the same maintenance as real turf, it cannot be ignored completely. Weed abatement and debris removal become more important because of the stark contrast of foreign objects on artificial turf. Disinfectants may be necessary to handle organic matter (like matter created from pets). And, artificial turf needs to be replaced when it becomes worn with age or use.

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