

By: Puente

H.B. No. 2426

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting the creation or enforcement of certain
3 restrictive covenants that undermine water conservation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 202.007(a) and (d), Property Code, are
6 amended to read as follows:

7 (a) A property owners' association may not include or
8 enforce a provision in a dedicatory instrument that:

9 (1) prohibits or restricts a property owner from:

10 (A) [~~(1)~~] implementing measures promoting
11 solid-waste composting of vegetation, including grass clippings,
12 leaves, or brush, or leaving grass clippings uncollected on grass;

13 (B) [~~(2)~~] installing rain barrels or a rainwater
14 harvesting system; [~~or~~]

15 (C) [~~(3)~~] implementing efficient irrigation
16 systems, including underground drip or other drip systems;

17 (D) implementing landscaping design,
18 installation, or maintenance standards that result in water
19 conservation, including standards relating to the use of native or
20 other drought-tolerant plants, shrubs, trees, or grasses; or

21 (E) landscaping a lot or parcel in its natural or
22 native vegetative state; or

23 (2) requires a property owner to:

24 (A) follow a defined irrigation schedule unless

1 the water supplier for the property mandates the irrigation
2 schedule to curtail outdoor water use;

3 (B) maintain the property at a specified visual
4 level that requires the owner to irrigate the property;

5 (C) install or use an automatic underground
6 irrigation system;

7 (D) install turf grass; or

8 (E) install and maintain a specific variety or a
9 minimum area of turf grass.

10 (d) This section does not:

11 (1) restrict a property owners' association from
12 regulating the requirements, including size, type, shielding, and
13 materials, for or the location of a composting device, rain barrel,
14 rain harvesting device, or any other appurtenance if the
15 restriction does not prohibit the economic installation of the
16 device or appurtenance on the property owner's property where there
17 is reasonably sufficient area to install the device or
18 appurtenance;

19 (2) require a property owners' association to permit a
20 device or appurtenance described by Subdivision (1) to be installed
21 in or on property:

22 (A) owned by the property owners' association;

23 (B) owned in common by the members of the
24 property owners' association; or

25 (C) in an area other than the fenced yard or patio
26 of a property owner;

27 (3) prohibit a property owners' association from

1 establishing:

2 (A) standards for [~~regulating~~] the installation
3 of efficient irrigation systems; or

4 (B) [~~, including establishing~~] visibility
5 limitations for aesthetic purposes;

6 (4) prohibit a property owners' association from
7 regulating the installation or use of gravel, rocks, or cacti; or

8 (5) restrict a property owners' association from
9 regulating yard and landscape maintenance if the restrictions or
10 requirements do not:

11 (A) restrict or prohibit turf or landscaping
12 design; or

13 (B) result in increased water use by the owner
14 [~~that promotes water conservation~~].

15 SECTION 2. The change in law made by this Act applies to a
16 provision in a dedicatory instrument as that term is defined by
17 Section 202.001(1), Property Code, recorded on or after the
18 effective date of this Act.

19 SECTION 3. This Act takes effect September 1, 2005.