

By: Goodwin

H.B. No. 1432

A BILL TO BE ENTITLED

AN ACT

relating to restrictive covenants regulating certain landscaping and water conservation practices.

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

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

(a) A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:

(1) implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;

(2) installing rain barrels or a rainwater harvesting system;

(3) implementing efficient irrigation systems, including underground drip or other drip systems; ~~or~~

(4) using drought-resistant landscaping in lieu of natural turf; or

(5) using water-conserving natural turf.

(d) This section does not:

(1) restrict a property owners' association from regulating the requirements, including size, type, shielding, and materials, for or the location of a composting device if the restriction does not prohibit the economic installation of the

1 device on the property owner's property where there is reasonably  
2 sufficient area to install the device;

3 (2) require a property owners' association to permit a  
4 device described by Subdivision (1) to be installed in or on  
5 property:

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

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

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

11 (3) prohibit a property owners' association from  
12 regulating the installation of efficient irrigation systems,  
13 including establishing visibility limitations for aesthetic  
14 purposes;

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

17 (5) restrict a property owners' association from  
18 regulating yard and landscape maintenance if the restrictions or  
19 requirements do not restrict or prohibit turf or landscaping design  
20 that promotes water conservation;

21 (6) require a property owners' association to permit a  
22 rain barrel or rainwater harvesting system to be installed in or on  
23 property if:

24 (A) the property is:

25 (i) owned by the property owners'  
26 association;

27 (ii) owned in common by the members of the

1 property owners' association; or

2 (iii) located between the front of the  
3 property owner's home and an adjoining or adjacent street; or

4 (B) the barrel or system:

5 (i) is of a color other than a color  
6 consistent with the color scheme of the property owner's home; or

7 (ii) displays any language or other content  
8 that is not typically displayed by such a barrel or system as it is  
9 manufactured;

10 (7) restrict a property owners' association from  
11 regulating the size, type, and shielding of, and the materials used  
12 in the construction of, a rain barrel, rainwater harvesting device,  
13 or other appurtenance that is located on the side of a house or at  
14 any other location that is visible from a street, another lot, or a  
15 common area if:

16 (A) the restriction does not prohibit the  
17 economic installation of the device or appurtenance on the property  
18 owner's property; and

19 (B) there is a reasonably sufficient area on the  
20 property owner's property in which to install the device or  
21 appurtenance; or

22 (8) prohibit a property owners' association from  
23 requiring an owner to submit a detailed description or a plan for  
24 the installation of drought-resistant landscaping or  
25 water-conserving natural turf for review and approval by the  
26 property owners' association to ensure, to the extent practicable,  
27 maximum aesthetic compatibility with other landscaping in the

1 subdivision, provided that a property owners' association:

2 (A) shall accept an outline and diagram or  
3 representation for the installation submitted by the owner; and

4 (B) may not require an owner to submit a detailed  
5 description or plan prepared by a landscape architect or other  
6 professional provider of landscaping services.

7 SECTION 2. Section [202.007](#)(e), Property Code, is repealed.

8 SECTION 3. This Act takes effect September 1, 2025.