

**BILL ANALYSIS**

C.S.H.B. 645  
By: Puente  
Land & Resource Management  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Many property owners’ associations have deed restrictions, covenants, or regulations that address landscaping practices. Often these rules undermine water conservation goals by mandating certain amounts and types of turf grass coverages or excessive maintenance standards and irrigation systems, while at the same time prohibiting native or climatically appropriate landscapes and rainwater harvesting systems.

C.S.H.B. 645 would prohibit deed restrictions, covenants, or property association rules that discourage water conservation.

**RULEMAKING AUTHORITY**

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

SECTION 1. Amends Chapter 202, Property Code, by adding Sec. 202.007 as follows:

Prohibits and makes unenforceable any deed restriction, covenant, or home owner association regulations that would prohibit or restrict:

Measures promoting solid waste composting of vegetation.

Installation of rain barrels or rain water harvesting systems.

Implementing efficient irrigation systems.

Installing appurtenances such as decks or patios.

Prohibits and makes unenforceable any deed restriction, covenant, or home owner association regulations that would require:

Automatic underground irrigation systems.

Installation of a minimum amount of turf grass.

Provides that a property owners’ association may restrict the type of turf used by a property owner in the planting of new turf to encourage or require water-conserving turf.

Provides that a property owners’ association is not restricted from regulating the requirements including size, type, or materials used in composting devices, rain barrels, or other appurtenances as long as the restriction or requirement does not prohibit the installation of the device or appurtenance. The bill further provides

that a property owners' association may prohibit the installation of a device or appurtenance on property owned by the association or in common areas.

Authorizes property owners' associations to regulate the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes. Associations may also regulate the installation of gravel, rock, and cacti.

Authorizes property owners' associations to regulate yard and landscape maintenance if the regulations do not restrict or prohibit turf or landscaping design that promotes water conservation.

SECTION 2. Act is retroactive.

Effective Date.

**EFFECTIVE DATE**

September 1, 2003.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 645 differs from the original filed version by removing certain items from the list of items that an association is prohibited from either restricting or requiring.

C.S.H.B. 645 also adds provisions clarifying that property owners' association are not prohibited from regulating aesthetic, construction or location requirements for a water conservation device or other appurtenances, if the regulations do not prevent the use or construction of the device.

C.S.H.B. 645 also clarifies that an association may regulate the use of gravel, rocks, or cacti.

C.S.H.B. 645 provides that an association may regulate yard and landscape maintenance as long as the restrictions do not prohibit turf or landscape design that promotes conservation.