

1-1 By: Puente (Senate Sponsor - Armbrister) H.B. No. 645  
1-2 (In the Senate - Received from the House May 2, 2003;  
1-3 May 6, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 23, 2003, reported favorably, as amended, by the  
1-5 following vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Armbrister

1-7 Amend SECTION 1 of H.B. 645, (Committee printing on page 2, line 9),  
1-8 to strike "10,000" and replace with "4000".

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to prohibiting the creation or enforcement of certain  
1-12 restrictive covenants that undermine water conservation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 202, Property Code, is amended by adding  
1-15 Section 202.007 to read as follows:

1-16 Sec. 202.007. CERTAIN RESTRICTIVE COVENANTS PROHIBITED.

1-17 (a) A property owners' association may not include or enforce a  
1-18 provision in a dedicatory instrument that:

1-19 (1) prohibits or restricts a property owner from:

1-20 (A) implementing measures promoting solid-waste  
1-21 composting of vegetation, including grass clippings, leaves, or  
1-22 brush, or leaving grass clippings uncollected on grass;

1-23 (B) installing rain barrels or a rainwater  
1-24 harvesting system;

1-25 (C) implementing efficient irrigation systems,  
1-26 including underground drip or other drip systems; or

1-27 (D) installing appurtenances, including patios,  
1-28 decks, walkways, or sidewalks; or

1-29 (2) requires a property owner to:

1-30 (A) install or use an automatic underground  
1-31 irrigation system; or

1-32 (B) install minimum amounts of turf grass.

1-33 (b) A provision that violates Subsection (a) is void.

1-34 (c) A property owners' association may restrict the type of  
1-35 turf used by a property owner in the planting of new turf to  
1-36 encourage or require water-conserving turf.

1-37 (d) This section does not:

1-38 (1) restrict a property owners' association from  
1-39 regulating the requirements, including size, type, shielding, and  
1-40 materials, for or the location of a composting device, rain barrel,  
1-41 rain harvesting device, or any other appurtenance if the  
1-42 restriction does not prohibit the economic installation of the  
1-43 device or appurtenance on the property owner's property where there  
1-44 is reasonably sufficient area to install the device or  
1-45 appurtenance;

1-46 (2) require a property owners' association to permit a  
1-47 device or appurtenance described by Subdivision (1) to be installed  
1-48 in or on property:

1-49 (A) owned by the property owners' association;

1-50 (B) owned in common by the members of the  
1-51 property owners' association; or

1-52 (C) in an area other than the fenced yard or patio  
1-53 of a property owner;

1-54 (3) prohibit a property owners' association from  
1-55 regulating the installation of efficient irrigation systems,  
1-56 including establishing visibility limitations for aesthetic  
1-57 purposes;

1-58 (4) prohibit a property owners' association from  
1-59 regulating the installation or use of gravel, rocks, or cacti; or

1-60 (5) restrict a property owners' association from  
1-61 regulating yard and landscape maintenance if the restrictions or  
1-62 requirements do not restrict or prohibit turf or landscaping design

2-1 that promotes water conservation.

2-2 (e) This section does not apply to a property owners'  
2-3 association that:

2-4 (1) is located in a municipality with a population of  
2-5 more than 175,000 that is located in a county in which another  
2-6 municipality with a population of more than one million is  
2-7 predominantly located; and

2-8 (2) manages or regulates a development in which at  
2-9 least 10,000 acres of the property is subject to a covenant,  
2-10 condition, or restriction designating the property for commercial  
2-11 use, multifamily dwellings, or open space.

2-12 SECTION 2. (a) This Act takes effect September 1, 2003.

2-13 (b) The change in law made by this Act applies to a provision  
2-14 in a dedicatory instrument as that term is defined by Section  
2-15 202.001(1), Property Code, recorded on or after the effective date  
2-16 of this Act.

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