

By: Armbrister

S.B. No. 779

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 202.007. CERTAIN RESTRICTIVE COVENANTS PROHIBITED.

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

(1) prohibits or restricts a property owner from:

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

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

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

(D) installing rain barrels or a rain water harvesting system;

(E) landscaping a lot or parcel in a native or vegetative state;

(F) adding additional soil or compost, including

1 sludge compost;

2 (G) installing turf areas;

3 (H) installing appurtenances, including patios,
4 decks, walkways, or sidewalks; or

5 (I) implementing or installing any other water
6 conservation practices; or

7 (2) requires a property owner to:

8 (A) follow a defined irrigation schedule unless
9 the water supplier for the property mandates the irrigation
10 schedule to curtail outdoor water use;

11 (B) maintain the landscape at a specified level
12 that requires the owner to irrigate the property;

13 (C) install and use an automatic underground
14 irrigation system; or

15 (D) install and maintain a specific variety or a
16 limited choice of varieties of turf grass.

17 (b) A provision that violates Subsection (a) is void.

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

19 (b) The change in law made by this Act applies to a provision
20 in a dedicatory instrument as that term is defined by Section
21 202.001(1), Property Code, regardless of when the provision was
22 adopted.