

By: Miller of Comal

H.B. No. 3391

A BILL TO BE ENTITLED

AN ACT

relating to rainwater harvesting and other water conservation initiatives.

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

SECTION 1. Subchapter A, Chapter 59, Finance Code, is amended by adding Section 59.012 to read as follows:

Sec. 59.012. LOANS FOR DEVELOPMENTS THAT USE HARVESTED RAINWATER. Financial institutions may consider making loans for developments that will use harvested rainwater as the sole source of water supply.

SECTION 2. Section 447.004, Government Code, is amended by amending Subsection (c-1) and adding Subsection (c-3) to read as follows:

(c-1) The procedural standards adopted under this section must require that:

(1) on-site reclaimed system technologies, including rainwater harvesting, condensate collection, or cooling tower blow down, or a combination of those system technologies, for potable and nonpotable indoor use and landscape watering be incorporated into the design and construction of:

(A) [~~1~~] each new state building with a roof measuring at least 10,000 square feet; and

(B) [~~2~~] any other new state building for which the incorporation of such systems is feasible; and

1 (2) rainwater harvesting system technology for
2 potable and nonpotable indoor use and landscape watering be
3 incorporated into the design and construction of each new state
4 building with a roof measuring at least 50,000 square feet that is
5 located in an area of this state in which the average annual
6 rainfall is at least 20 inches.

7 (c-3) The procedural standards required by Subsection
8 (c-1)(2) apply to a building described by that subdivision unless
9 Subsection (c-2) applies or the state agency or institution of
10 higher education constructing the building provides the state
11 energy conservation office evidence that the amount of rainwater
12 that will be harvested from one or more existing buildings at the
13 same location is equivalent to the amount of rainwater that could
14 have been harvested from the new building had rainwater harvesting
15 system technology been incorporated into its design and
16 construction.

17 SECTION 3. Section 341.042(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) The commission by rule shall provide that if a structure
20 is connected to a public water supply system and has a rainwater
21 harvesting system, ~~[for indoor use:~~

22 ~~[(1)]~~ the structure must have appropriate
23 cross-connection safeguards ~~[, and~~

24 ~~[(2) the rainwater harvesting system may be used only~~
25 ~~for nonpotable indoor purposes]~~.

26 SECTION 4. Chapter 580, Local Government Code, is amended
27 by adding Section 580.004 to read as follows:

1 Sec. 580.004. RAINWATER HARVESTING. (a) Each municipality
2 and county is encouraged to promote rainwater harvesting at
3 residential, commercial, and industrial facilities through
4 incentives such as the provision at a discount of rain barrels or
5 rebates for water storage facilities.

6 (b) Each municipality or county that has adopted impervious
7 cover or density restrictions shall consider the use in a
8 development of harvested rainwater as an on-site water supply
9 source in determining whether to grant the development a credit
10 against or exemption from the restrictions.

11 (c) The Texas Water Development Board shall ensure that
12 training on rainwater harvesting is available for the members of
13 the permitting staffs of municipalities and counties at least
14 quarterly. Each member of the permitting staff of each county and
15 municipality located wholly or partly in an area designated by the
16 Texas Commission on Environmental Quality as a priority groundwater
17 management area under Section 35.008, Water Code, and each member
18 of the permitting staff of each county and municipality with a
19 population of more than 100,000 must receive the training at least
20 once every five years. Members of the permitting staffs of counties
21 and municipalities not located wholly or partly in an area
22 designated by the Texas Commission on Environmental Quality as a
23 priority groundwater management area under Section 35.008, Water
24 Code, and members of the permitting staffs of counties and
25 municipalities with a population of 100,000 or less are encouraged
26 to receive the training. The Texas Water Development Board may
27 provide the training by seminars or by videotape or functionally

1 similar and widely available media without cost.

2 (d) A municipality or county may not deny a building permit
3 solely because the facility will implement rainwater harvesting.

4 (e) Each school district is encouraged to implement
5 rainwater harvesting at facilities of the district.

6 SECTION 5. Section 202.007(d), Property Code, is amended to
7 read as follows:

8 (d) This section does not:

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

17 (2) require a property owners' association to permit a
18 device [~~or appurtenance~~] described by Subdivision (1) to be
19 installed in or on property:

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

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

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

25 (3) prohibit a property owners' association from
26 regulating the installation of efficient irrigation systems,
27 including establishing visibility limitations for aesthetic

1 purposes;

2 (4) prohibit a property owners' association from
3 regulating the installation or use of gravel, rocks, or cacti; ~~[or]~~

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

8 (6) require a property owners' association to permit a
9 rain barrel or rainwater harvesting system to be installed in or on
10 property if:

11 (A) the property is:

12 (i) owned by the property owners'
13 association;

14 (ii) owned in common by the members of the
15 property owners' association; or

16 (iii) located between the front of the
17 property owner's home and the adjacent street; or

18 (B) the barrel or system:

19 (i) is of a color other than:

20 (a) the original manufacturer's
21 color; or

22 (b) a color consistent with the color
23 scheme of the property owner's home; or

24 (ii) displays any language or other content
25 that is not typically displayed by such a barrel or system as it is
26 manufactured.

27 SECTION 6. Section 1.003, Water Code, is amended to read as

1 follows:

2 Sec. 1.003. PUBLIC POLICY. It is the public policy of the
3 state to provide for the conservation and development of the
4 state's natural resources, including:

5 (1) the control, storage, preservation, and
6 distribution of the state's storm and floodwaters and the waters of
7 its rivers and streams for irrigation, power, and other useful
8 purposes;

9 (2) the reclamation and irrigation of the state's
10 arid, semiarid, and other land needing irrigation;

11 (3) the reclamation and drainage of the state's
12 overflowed land and other land needing drainage;

13 (4) the conservation and development of its forest,
14 water, and hydroelectric power;

15 (5) the navigation of the state's inland and coastal
16 waters;

17 (6) the maintenance of a proper ecological environment
18 of the bays and estuaries of Texas and the health of related living
19 marine resources; ~~and~~

20 (7) the voluntary stewardship of public and private
21 lands to benefit waters of the state; and

22 (8) the promotion of rainwater harvesting for potable
23 and nonpotable purposes at public and private facilities in this
24 state, including residential, commercial, and industrial
25 buildings.

26 SECTION 7. If the 82nd Legislature makes an appropriation
27 to the Texas Water Development Board to provide matching grants to

1 political subdivisions of this state for rainwater harvesting
2 demonstration projects, the board shall, not later than December 1,
3 2012, provide a report to the lieutenant governor and the speaker of
4 the house of representatives regarding the projects for which the
5 board has provided grants, including:

- 6 (1) a description of each project; and
- 7 (2) the amount of the grant provided for each project.

8 SECTION 8. This Act takes effect September 1, 2011.