

BILL ANALYSIS

Senate Research Center
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S.B. 198
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 198 removes a barrier that prevents some property owners from reducing their water use by protecting a homeowner's right to install a drought-resistant landscape or water-conserving turf.

The drought of 2011 ranked as the most intense one-year drought in recorded history in many parts of Texas. Maintaining a green lawn and a lush landscape becomes particularly water-intensive and expensive in times of drought. Bans and limits on outdoor watering, while necessary and often mandatory in times of drought, only add to the difficulty. In response to these challenges, many Texas homeowners have become increasingly interested in landscape alternatives that require less water to maintain.

Despite some progress, many property owners' association covenants and restrictions continue to present a barrier for homeowners who wish to transition to a drought-resistant and less water-intensive landscape and lawn.

While not precluding the ability of a home owners' association or property owners' association to approve or establish parameters for a homeowner's landscape plan, S.B. 198 clearly establishes that an association's covenant or restriction cannot prohibit or restrict a homeowner's use of drought-resistant landscaping or water-conserving turf.

As proposed, S.B. 198 amends current law relating to restrictive covenants regulating drought-resistant landscaping or water-conserving turf.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 202.007(a), Property Code, to provide that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing certain measures, including using a drought-resistant landscaping or water-conserving turf.

SECTION 2. Effective date: September 1, 2013.