

By: Dukes

H.B. No. 449

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on xeriscaping by property owners' associations and certain political subdivisions.

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

SECTION 1. Chapter 580, Local Government Code, is amended by adding Section 580.0021 to read as follows:

Sec. 580.0021. RESTRICTIONS ON XERISCAPING. (a) In this section, "xeriscaping" has the meaning assigned by Section 202.013, Property Code.

(b) The governing body of a municipality or county may not enact an ordinance or order that prohibits or unreasonably restricts, or enforce an ordinance or order in a manner that prohibits or unreasonably restricts, a property owner from xeriscaping the owner's property.

SECTION 2. Chapter 202, Property Code, is amended by adding Section 202.013 to read as follows:

Sec. 202.013. XERISCAPING. (a) In this section, "xeriscaping" means a landscaping method that maximizes the conservation of water by using plants that are appropriate to the site and efficient water-use techniques. The term includes:

- (1) planning and design;
- (2) appropriate choice of plants;
- (3) soil analysis;
- (4) soil improvement using compost;

1 (5) efficient and appropriate irrigation;

2 (6) practical use of turf;

3 (7) appropriate use of mulches; and

4 (8) proper maintenance.

5 (b) A property owners' association may not adopt a provision
6 in a dedicatory instrument that prohibits or unreasonably
7 restricts, or enforce a provision in a dedicatory instrument in a
8 manner that prohibits or unreasonably restricts, a property owner
9 from xeriscaping the owner's property.

10 SECTION 3. This Act takes effect September 1, 2013.