

1-1 By: Watson S.B. No. 198
 1-2 (In the Senate - Filed January 22, 2013; January 29, 2013,
 1-3 read first time and referred to Committee on Natural Resources;
 1-4 March 11, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 11, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 198 By: Fraser

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to restrictive covenants regulating drought-resistant
 1-24 landscaping or water-conserving natural turf.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 202.007, Property Code, is amended by
 1-27 amending Subsections (a) and (d) and adding Subsection (d-1) to
 1-28 read as follows:

1-29 (a) A property owners' association may not include or
 1-30 enforce a provision in a dedicatory instrument that prohibits or
 1-31 restricts a property owner from:

1-32 (1) implementing measures promoting solid-waste
 1-33 composting of vegetation, including grass clippings, leaves, or
 1-34 brush, or leaving grass clippings uncollected on grass;

1-35 (2) installing rain barrels or a rainwater harvesting
 1-36 system; ~~or~~

1-37 (3) implementing efficient irrigation systems,
 1-38 including underground drip or other drip systems; or

1-39 (4) using drought-resistant landscaping or
 1-40 water-conserving natural turf.

1-41 (d) This section does not:

1-42 (1) restrict a property owners' association from
 1-43 regulating the requirements, including size, type, shielding, and
 1-44 materials, for or the location of a composting device if the
 1-45 restriction does not prohibit the economic installation of the
 1-46 device on the property owner's property where there is reasonably
 1-47 sufficient area to install the device;

1-48 (2) require a property owners' association to permit a
 1-49 device described by Subdivision (1) to be installed in or on
 1-50 property:

1-51 (A) owned by the property owners' association;

1-52 (B) owned in common by the members of the
 1-53 property owners' association; or

1-54 (C) in an area other than the fenced yard or patio
 1-55 of a property owner;

1-56 (3) prohibit a property owners' association from
 1-57 regulating the installation of efficient irrigation systems,
 1-58 including establishing visibility limitations for aesthetic
 1-59 purposes;

1-60 (4) prohibit a property owners' association from

2-1 regulating the installation or use of gravel, rocks, or cacti;
2-2 (5) restrict a property owners' association from
2-3 regulating yard and landscape maintenance if the restrictions or
2-4 requirements do not restrict or prohibit turf or landscaping design
2-5 that promotes water conservation;

2-6 (6) require a property owners' association to permit a
2-7 rain barrel or rainwater harvesting system to be installed in or on
2-8 property if:

2-9 (A) the property is:

2-10 (i) owned by the property owners'
2-11 association;

2-12 (ii) owned in common by the members of the
2-13 property owners' association; or

2-14 (iii) located between the front of the
2-15 property owner's home and an adjoining or adjacent street; or

2-16 (B) the barrel or system:

2-17 (i) is of a color other than a color
2-18 consistent with the color scheme of the property owner's home; or

2-19 (ii) displays any language or other content
2-20 that is not typically displayed by such a barrel or system as it is
2-21 manufactured; [~~or~~]

2-22 (7) restrict a property owners' association from
2-23 regulating the size, type, and shielding of, and the materials used
2-24 in the construction of, a rain barrel, rainwater harvesting device,
2-25 or other appurtenance that is located on the side of a house or at
2-26 any other location that is visible from a street, another lot, or a
2-27 common area if:

2-28 (A) the restriction does not prohibit the
2-29 economic installation of the device or appurtenance on the property
2-30 owner's property; and

2-31 (B) there is a reasonably sufficient area on the
2-32 property owner's property in which to install the device or
2-33 appurtenance; or

2-34 (8) prohibit a property owners' association from
2-35 requiring an owner to submit a detailed description or a plan for
2-36 the installation of drought-resistant landscaping or
2-37 water-conserving natural turf for review and approval by the
2-38 property owners' association to ensure, to the extent practicable,
2-39 maximum aesthetic compatibility with other landscaping in the
2-40 subdivision.

2-41 (d-1) A property owners' association may not unreasonably
2-42 deny or withhold approval of a proposed installation of
2-43 drought-resistant landscaping or water-conserving natural turf
2-44 under Subsection (d)(8) or unreasonably determine that the proposed
2-45 installation is aesthetically incompatible with other landscaping
2-46 in the subdivision.

2-47 SECTION 2. This Act takes effect September 1, 2013.

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