AN ACT

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

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

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

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

1. implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;
2. installing rain barrels or a rainwater harvesting system;
3. implementing efficient irrigation systems, including underground drip or other drip systems; or
4. using drought-resistant landscaping or water-conserving natural turf.

(d) This section does not:

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

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

(A) owned by the property owners' association;

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

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

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

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

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

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

(A) the property is:

(i) owned by the property owners' association;

(ii) owned in common by the members of the
S.B. No. 198

property owners' association; or

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

(B) the barrel or system:

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

(ii) displays any language or other content
that is not typically displayed by such a barrel or system as it is
manufactured; [ex]

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

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

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

(8) prohibit a property owners' association from
requiring an owner to submit a detailed description or a plan for
the installation of drought-resistant landscaping or
water-conserving natural turf for review and approval by the
property owners' association to ensure, to the extent practicable,
maximum aesthetic compatibility with other landscaping in the
(d-1) A property owners' association may not unreasonably deny or withhold approval of a proposed installation of drought-resistant landscaping or water-conserving natural turf under Subsection (d)(8) or unreasonably determine that the proposed installation is aesthetically incompatible with other landscaping in the subdivision.

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

Approved:

14 June '13

Rick Perry

Governor