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;

(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
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; [or]

   (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

   (B) 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
subdivision.

(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.

President of the Senate
Speaker of the House
I hereby certify that S.B. No. 198 passed the Senate on March 18, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate
I hereby certify that S.B. No. 198 passed the House on May 20, 2013, by the following vote: Yeas 88, Nays 58, one present not voting.

Chief Clerk of the House
Approved:

Date

Governor