



SB23-178

SHORT TITLE: Water-wise Landscaping in Homeowners' Association Communities

LONG TITLE: Concerning removing barriers to water-wise landscaping in common interest communities.

SPONSORS: Senators Jaquez Lewis and Will/Representative McCormick

COMMITTEES: Senate Local Government & Housing Committee

PURPOSE OF THE BILL: To simplify the process for members of a Homeowners Association (HOA) to remove turf and replace it with low-water landscaping while complying with the HOA's aesthetic requirements.

PROPOSERS OF THE BILL: Landscaping and garden centers, Resource Central, Community Associations Institute

POTENTIAL STAKEHOLDERS: Water providers, local governments including special districts, HOAs, etc.

BACKGROUND: Current law prohibits HOAs from denying its members from using xeriscape or low-water replacements for turf. However, HOAs can still require homeowners to comply with aesthetic requirements which may be vague and confusing. The bill attempts to make compliance easier by requiring HOAs to pre-approve three landscape/planting designs (such as "garden in a box" which a homeowner may purchase and install without fear of HOA sanctions).

Is this bill necessary this year? There is no deadline.

How does the bill change current law? The bill adds to current law regarding a homeowners' right to remove turf and replace with low-water vegetation.

Does the bill affect the prior appropriations system? No.

How is the bill implemented? An HOA is required to select and pre-approve and permit at least three designs that adhere to the principles of water-wise landscaping and emphasize drought tolerant and native plants. Designs may be downloaded from the Colorado State University Extension Plant Select Organization's design list. A homeowner whose HOA violates this statute may commence a civil action and recover actual damages plus \$500, and reasonable attorneys' fees.

Practical Considerations: N/A.

Fiscal Impact: Little or no fiscal impact. No appropriation necessary.