

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0583.01 Duane Gall x4335

HOUSE BILL 19-1050

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HOUSE SPONSORSHIP

Titone,

SENATE SPONSORSHIP

(None),

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House Committees  
Energy & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE PROMOTION OF WATER-EFFICIENT LANDSCAPING ON  
102 PROPERTY SUBJECT TO MANAGEMENT BY LOCAL SUPERVISORY  
103 ENTITIES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 1** of the bill augments an existing law that establishes the right of unit owners in common interest communities to use water-efficient landscaping, subject to reasonable aesthetic standards, by specifically extending the same policy to common areas under the control of the community's governing board.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

**Sections 2 and 3** extend existing water conservation requirements, currently applicable only to certain public entities that supply water at retail and their customers, to property management districts and other special districts that manage areas of parkland and open space.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-106.5,  
3 **amend** (1)(i)(I) as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy -**  
5 **patriotic and political expression - emergency vehicles - fire**  
6 **prevention - renewable energy generation devices - affordable**  
7 **housing - drought prevention measures - definitions.**

8 (1) Notwithstanding any provision in the declaration, bylaws, or rules  
9 and regulations of the association to the contrary, an association shall not  
10 prohibit any of the following:

11 (i) (I) The use of xeriscape or drought-tolerant vegetative  
12 landscapes to provide ground covering to THE COMMON ELEMENTS OR TO  
13 property owned by ~~the~~ A unit owner. Associations may adopt and enforce  
14 design or aesthetic guidelines or rules that require drought-tolerant  
15 vegetative landscapes or regulate the type, number, and placement of  
16 drought-tolerant plantings and hardscapes that may be installed on ~~the~~  
17 ~~unit owner's property or property for which the unit owner is responsible~~  
18 WITHIN THE COMMUNITY.

19 **SECTION 2.** In Colorado Revised Statutes, **amend** 32-1-110 as  
20 follows:

21 **32-1-110. Construction with other laws.** If any provisions of this  
22 article are inconsistent with the provisions of any other law, the  
23 provisions of this ~~article shall be controlling~~ ARTICLE 1 CONTROL; EXCEPT

1 THAT THE WATER CONSERVATION POLICY SET FORTH IN SECTION  
2 37-60-126 (11) APPLIES TO ALL LAND WITHIN A SPECIAL DISTRICT THAT IS  
3 NOT USED AS A PLAYING SURFACE FOR ORGANIZED SPORTS ACTIVITIES.

4 **SECTION 3.** In Colorado Revised Statutes, 37-60-126, **amend**  
5 (11)(a) and (11)(d) as follows:

6 **37-60-126. Water conservation and drought mitigation**  
7 **planning - programs - relationship to state assistance for water**  
8 **facilities - guidelines - water efficiency grant program - definitions -**  
9 **repeal.** (11) (a) Any section of a restrictive covenant or of the  
10 declaration, bylaws, or rules and regulations of a common interest  
11 community, all as defined in section 38-33.3-103, ~~C.R.S.~~, AND ANY RULE  
12 OR POLICY OF A SPECIAL DISTRICT, AS DEFINED IN SECTION 32-1-103 (20),  
13 that prohibits or limits xeriscape, prohibits or limits the installation or use  
14 of drought-tolerant vegetative landscapes, or requires cultivated  
15 vegetation to consist wholly or partially of turf grass is hereby declared  
16 contrary to public policy and, on that basis, is unenforceable. This  
17 ~~paragraph (a)~~ SUBSECTION (11)(a) does not prohibit common interest  
18 communities OR SPECIAL DISTRICTS from adopting and enforcing design  
19 or aesthetic guidelines or rules that require drought-tolerant vegetative  
20 landscapes or regulate the type, number, and placement of  
21 drought-tolerant plantings and hardscapes that may be installed on ~~the~~  
22 ~~unit owner's property or property for which the unit owner is responsible~~  
23 THAT IS SUBJECT TO THE GUIDELINES OR RULES.

24 (d) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11)(d)(II)  
25 OF THIS SECTION, this subsection (11) does not supersede any subdivision  
26 regulation of a county, city and county, or other municipality.

27 (II) THIS SUBSECTION (11) SUPERSEDES A RULE OR POLICY OF A

1 SPECIAL DISTRICT, AS DEFINED IN SECTION 32-1-103 (20), ONLY IN THE  
2 CASE OF A DIRECT CONFLICT.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.