

# An Act

HOUSE BILL 19-1050

BY REPRESENTATIVE(S) Titone, Arndt, Buentello, Caraveo, Cutter, Duran, Exum, Galindo, Jaquez Lewis, Kennedy, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Sirota, Snyder, Valdez A., Weissman, Becker;  
also SENATOR(S) Priola and Winter, Bridges, Danielson, Fenberg, Fields, Ginal, Gonzales, Lee, Moreno, Rodriguez, Story, Todd, Williams A., Zenzinger.

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

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

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

**38-33.3-106.5. Prohibitions contrary to public policy - patriotic and political expression - emergency vehicles - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - definitions.** (1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

contrary, an association shall not prohibit any of the following:

(i)(I) The use of xeriscape or drought-tolerant vegetative landscapes to provide ground covering to PROPERTY FOR WHICH A UNIT OWNER IS RESPONSIBLE, INCLUDING A LIMITED COMMON ELEMENT OR property owned by the unit owner. Associations may adopt and enforce design or aesthetic guidelines or rules that require drought-tolerant vegetative landscapes or regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on the A unit owner's property or ON A LIMITED COMMON ELEMENT OR OTHER property for which the unit owner is responsible.

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

**32-1-110. Construction with other laws.** If any provisions of this article are inconsistent with the provisions of any other law, the provisions of this ~~article shall be controlling~~ ARTICLE 1 CONTROL; EXCEPT THAT THE WATER CONSERVATION POLICY SET FORTH IN SECTION 37-60-126 (11) APPLIES TO ALL LAND WITHIN A SPECIAL DISTRICT THAT IS NOT USED AS A PLAYING SURFACE FOR ORGANIZED SPORTS ACTIVITIES.

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

**37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - definitions - repeal.** (11) (a) Any section of a restrictive covenant or of the declaration, bylaws, or rules and regulations of a common interest community, all as defined in section 38-33.3-103, ~~C.R.S.~~, AND ANY RULE OR POLICY OF A SPECIAL DISTRICT, AS DEFINED IN SECTION 32-1-103 (20), that prohibits or limits xeriscape, prohibits or limits the installation or use of drought-tolerant vegetative landscapes, or requires cultivated vegetation to consist wholly or partially of turf grass is hereby declared contrary to public policy and, on that basis, is unenforceable. This ~~paragraph (a)~~ SUBSECTION (11)(a) does not prohibit common interest communities OR SPECIAL DISTRICTS from adopting and enforcing design or aesthetic guidelines or rules that require drought-tolerant vegetative landscapes or regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be

installed on ~~the unit owner's property or property for which the unit owner is responsible~~ THAT IS SUBJECT TO THE GUIDELINES OR RULES.

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

(II) THIS SUBSECTION (11) SUPERSEDES A RULE OR POLICY OF A SPECIAL DISTRICT, AS DEFINED IN SECTION 32-1-103 (20), ONLY IN THE CASE OF A DIRECT CONFLICT.

**SECTION 4. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

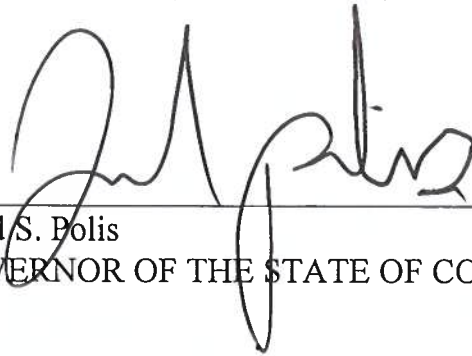


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED March 7<sup>th</sup>, 2019 at 2:59 p.m.  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO