

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0583.01 Duane Gall x4335

HOUSE BILL 19-1050

HOUSE SPONSORSHIP

Titone,

SENATE SPONSORSHIP

Priola,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

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

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.*

HOUSE
Amended 2nd Reading
January 25, 2019

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.

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 PROPERTY FOR WHICH A UNIT
13 OWNER IS RESPONSIBLE, INCLUDING A LIMITED COMMON ELEMENT OR
14 property owned by the unit owner. Associations may adopt and enforce
15 design or aesthetic guidelines or rules that require drought-tolerant
16 vegetative landscapes or regulate the type, number, and placement of
17 drought-tolerant plantings and hardscapes that may be installed on the A
18 unit owner's property or ON A LIMITED COMMON ELEMENT OR OTHER
19 property for which the unit owner is responsible.

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

22 **32-1-110. Construction with other laws.** If any provisions of this
23 article are inconsistent with the provisions of any other law, the

1 provisions of this ~~article shall be controlling~~ ARTICLE 1 CONTROL; EXCEPT
2 THAT THE WATER CONSERVATION POLICY SET FORTH IN SECTION
3 37-60-126 (11) APPLIES TO ALL LAND WITHIN A SPECIAL DISTRICT THAT IS
4 NOT USED AS A PLAYING SURFACE FOR ORGANIZED SPORTS ACTIVITIES.

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

7 **37-60-126. Water conservation and drought mitigation**
8 **planning - programs - relationship to state assistance for water**
9 **facilities - guidelines - water efficiency grant program - definitions -**

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

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

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

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