

Senate Bill 198: Drought Resistant Landscaping

SB 198 adds drought resistant landscaping to the list of activities or requirements that a property owners association is restricted from prohibiting. Under the provisions of SB 198 an association may not enforce a rule or provision that prohibits or restricts a property owner from using drought resistant landscaping. SB 198 does allow a property owners association to require an owner to submit a detailed description or plan for review and approval by the association to ensure compatibility with other landscaping in the community. The association may not, however, unreasonably deny or withhold approval or unreasonably determine that a proposed installation is incompatible with other landscaping in the subdivision.

What does SB 198 do?

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How does this change current requirements?

SB 198 adds drought resistant landscaping to the list of activities or requirements that a property owners association is restricted from prohibiting. Under the provisions of SB 198 an association may not enforce a rule or provision that prohibits or restricts a property owner from using drought resistant landscaping. SB 198 does allow a property owners association to require an owner to submit a detailed description or plan for review and approval by the association to ensure compatibility with other landscaping in the community. The association may not however, unreasonably deny or withhold approval or unreasonably determine that a proposed installation is incompatible with other landscaping in the subdivision.

Does the law require the board or the manager to take any action?

Boards should review and update policies regarding allowable landscaping to ensure compliance with the new requirements in the act. As part of this process, boards may want to consider further examination of the concepts of drought resistant landscaping and best practices to ensure they understand and can effectively review and approve applications for installations from property owners.

When is this effective?

The provisions of AB 198 become effective on September 1, 2013