

Section 11.17 - Sample Provision Excerpt (Public Preview)

Rainwater Harvesting Systems. No rain barrel may be installed on any portion of the Common Elements without the advance written approval of the Architectural Reviewer.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 11.17 (p. 52): Landscaping covenant prohibits rainwater harvesting, composting, or drought-resistant landscaping/xeriscaping in violation of Tex. Prop. Code § 202.007.

Statutory / Legal Reference: Tex. Prop. Code § 202.007

Statutory Comparison: Tex. Prop. Code § 202.007(a) prohibits a property owners' association from enforcing a provision that prohibits or restricts an owner from implementing measures promoting solid-waste composting, installing rain barrels or a rainwater harvesting system, implementing efficient irrigation systems, or using drought-resistant landscaping or water-conserving natural turf (subject to reasonable...

CURRENT WORDING IN DOCUMENT:

Rainwater Harvesting Systems. No rain barrel may be installed on any portion of the Common Elements without the advance written approval of the Architectural Reviewer.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding the foregoing, and in accordance with Tex. Prop. Code § 202.007, the Association shall not prohibit an Owner from installing compliant rain barrels or rainwater harvesting systems, implementing efficient irrigation or composting, or installing drought-resistant landscaping or water-conserving natural turf pursuant to an approved xeriscaping plan.