

Section 1.1.1 - Sample Provision Excerpt (Public Preview)

Sod: Each residence shall have full sod installed for the 100% of the front, rear and side yards where there are no landscaping beds. Side, front and back yard areas shall be 100% irrigated.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1.1.1 (p. 7): 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:

Sod: Each residence shall have full sod installed for the 100% of the front, rear and side yards where there are no landscaping beds. Side, front and back yard areas shall be 100% irrigated.

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.