

RCW 64.38.057 Governing documents—Drought resistant landscaping, pollinator habitat, wildfire ignition resistant landscaping.

(1) The governing documents may not prohibit the installation of drought resistant landscaping, pollinator habitat, including beehives compliant with local regulation, or wildfire ignition resistant landscaping. However, the governing documents may include reasonable rules regarding the placement and aesthetic appearance of drought resistant landscaping, pollinator habitat, or wildfire ignition resistant landscaping, as long as the rules do not render the use of drought resistant landscaping, pollinator habitat, or wildfire ignition resistant landscaping unreasonably costly or otherwise effectively infeasible.

(2) If a property is located within the geographic designation of an order of a drought condition issued by the department of ecology under RCW 43.83B.405, an association may not sanction or impose a fine or assessment against an owner, or resident on the owner's property, for reducing or eliminating the watering of vegetation or lawns for the duration of the drought condition order.

(3) Nothing in this section may be construed to prohibit or restrict the establishment and maintenance of a fire buffer within the building ignition zone.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Building ignition zone" means a building and surrounding area up to two hundred feet from the foundation.

(b) "Drought resistant landscaping" means the use of any noninvasive vegetation adapted to arid or dry conditions, stone, or landscaping rock.

(c) "Firewise" means the firewise communities program developed by the national fire protection association, which encourages local solutions for wildfire safety by involving homeowners, community leaders, planners, developers, firefighters, and others in the effort to protect people and property from wildfire risks.

(d) "Pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators. "Pollinator habitat" does not include beehives, except for mason bee houses.

(e) "Wildfire ignition resistant landscaping" includes:

(i) Any landscaping tools or techniques, or noninvasive vegetation, that do not readily ignite from a flame or other ignition source; or

(ii) The use of firewise methods to reduce ignition risk in a building ignition zone. [2024 c 337 s 4; 2020 c 9 s 2.]

Reviser's note: RCW 64.38.057 was amended by 2024 c 337 s 4 without cognizance of its repeal by 2024 c 321 s 503, effective January 1, 2028. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Findings—Intent—2020 c 9: "(1) The legislature finds that:

(a) Water is a finite resource whose importance is heightened during the periodic drought conditions and increased wildfire risk that the state experiences;

(b) The maintenance of lawns of green grass during the summer months for aesthetic purposes can be responsible for a noteworthy portion of summer water use by households; and

(c) (i) In the event of a drought, state law already grants extraordinary powers to the department of ecology to manage water resources and provides for other policy responses to encourage efficient use of the state's limited water supplies;

(ii) However, in certain instances, property association rules do not take into account the public goal of making efficient use of water supplies while also protecting properties from wildfire. These association rules can prohibit private property owners from deciding to use low-water plants or other low-water landscaping practices in place of grass lawns. Association rules can also limit the use of landscaping materials that are both drought resistant and fire ignition resistant, making it difficult to create fire safe, drought resistant landscapes and establish defensible space. Similar laws also sometimes prohibit private property owners from allowing their grass to go dormant and brown.

(2) (a) Therefore, it is the intent of the legislature to empower private property owners and remove an obstacle to water use efficiency by prohibiting unreasonable homeowner association, common interest ownership association, and condominium association restrictions that limit private property owners' ability to deploy low-water landscaping techniques, while also ensuring private property owners' ability to create fire safe landscapes.

(b) It is also the intent of the legislature to encourage the use of landscaping design techniques that meet the highest standards for water efficiency in the design and construction of state-funded buildings." [2020 c 9 s 1.]

RCW 64.38.057 Governing documents—Drought resistant landscaping, wildfire ignition resistant landscaping. [2020 c 9 s 2.]

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