
**Agriculture & Natural Resources
Committee**

HB 1172

Brief Description: Encouraging low-water landscaping practices as a drought alleviation tool.

Sponsors: Representatives Orwall, Blake, Fitzgibbon, Pollet and Doglio.

Brief Summary of Bill

- Specifies that condominium and homeowner's associations may not prohibit or penalize a homeowner for certain water-efficient landscaping measures.
- Requires state-funded buildings to be designed and constructed to acquire all possible LEED certification points available for water efficiency measures.

Hearing Date: 1/18/17

Staff: Rebecca Lewis (786-7339).

Background:

Drought Condition Orders by the Department of Ecology.

A drought condition occurs when the water supply for a geographical area or a significant portion of a geographical area is below 75 percent of normal and the water shortage is likely to create undue hardships for various water uses and users. The Department of Ecology is authorized to issue orders to address a drought after obtaining input from certain state and federal agencies, and receiving written approval from the Governor.

Drought Resistant Landscaping.

There are a variety of drought-resistant landscaping techniques including the use of succulents, gravel or stone, drought-tolerant ornamental grasses, or artificial grass.

Condominiums and Homeowner's Associations.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A condominium is real property where units are designated for separate ownership and the remainder is designated for common ownership solely by the owners of those units. Condominium unit owners' associations may, among other things, adopt and amend bylaws, rules, and regulations.

Homeowner's associations are legal entities composed of the owners of residential real property located within the association's jurisdiction. A homeowner's association may, among other things, appoint a board of directors, adopt bylaws, make contracts, and regulate the use of common areas.

LEED Certification.

The Department of Enterprise Services (DES), formerly General Administration, has been a member of the United States Green Building Council since 1998. The primary product of the United States Green Building Council is the Leadership in Energy and Environmental Design (LEED) Rating System, which provides national design guidelines and a third-party certification tool. The LEED rating system focuses on six major areas, one of which is water efficiency.

There are four ranks of LEED certification: (1) Certified; (2) Silver; (3) Gold; and (4) Platinum. In order to achieve any level of LEED certification, a project must earn a certain number of points. Points are allotted for a variety of elements. For example, one point is available for incorporating water-efficient landscaping that reduces water use by 50 percent, and one point is available for not using potable water for irrigation.

State law requires new state agency, state college and university, and K-12 school construction, and major renovation projects over 5,000 square feet, to achieve at least LEED Silver certification, which requires at least 50 points. If the project design team and either the DES, public school district, or other applicable agency determine the LEED Silver standard to be infeasible for any project, they must determine if another standard is feasible. If LEED standards are not followed, the agency or school district must report the reasons to the DES.

Summary of Bill:

Condominium unit owners' associations and homeowner's associations (Associations) may not prohibit the use of drought-resistant landscaping. If a property falls in the geographic area of a drought condition order issued by the Department of Ecology, Associations in that area may not sanction or impose a fine against an owner or resident who reduces or stops watering their lawns or vegetation during the drought condition order.

Associations may establish rules governing the placement and aesthetic appearance of drought resistant landscaping so long as the rules do not render the use of such landscaping arbitrarily costly or otherwise infeasible.

Most state-funded buildings must be designed and constructed to receive all points possible under the LEED certification system related to water use efficiency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.