
HOUSE BILL 1172

State of Washington

65th Legislature

2017 Regular Session

By Representatives Orwall, Blake, Fitzgibbon, Pollet, and Doglio

Read first time 01/12/17. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to encouraging low-water landscaping practices as
2 a drought alleviation tool; adding a new section to chapter 64.38
3 RCW; adding a new section to chapter 64.34 RCW; adding a new section
4 to chapter 39.35D RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) Water is a finite resource whose importance is heightened
8 during the periodic drought conditions that the state experiences;

9 (b) The maintenance of lawns of green grass during the summer
10 months for primarily aesthetic purposes is often responsible for a
11 significant portion of summer water use by households;

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

16 (ii) However, in certain instances, property association rules
17 are at odds with the public goal of making efficient use of limited
18 water supplies: These association rules can prohibit private property
19 owners from deciding to use low-water plants or landscaping practices
20 in place of grass lawns. Similar laws also sometimes prohibit private

1 property owners from allowing their grass to go dormant and brown
2 during droughts; and

3 (d) The use of drought resistant landscaping is often accompanied
4 by other environmental benefits, such as less frequent pesticide
5 applications and less lawn fertilizer in storm water runoff.

6 (2) Therefore, it is the intent of the legislature to empower
7 private property owners and remove an obstacle to water use
8 efficiency by prohibiting unreasonable homeowner association and
9 condominium association restrictions that limit private property
10 owners' ability to deploy low-water landscaping techniques. It is
11 also the intent of the legislature to ensure that state-funded
12 buildings achieve the highest landscaping water efficient benchmarks
13 that are consistent with green building standards.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.38
15 RCW to read as follows:

16 (1) The governing documents may not prohibit the installation of
17 drought resistant landscaping. However, the governing documents may
18 include reasonable rules regarding the placement and aesthetic
19 appearance of drought resistant landscaping, as long as the rules do
20 not render the use of drought resistant landscaping arbitrarily
21 costly or otherwise effectively infeasible.

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

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.34
29 RCW to read as follows:

30 (1) The declaration of a condominium and any bylaws, rules, and
31 regulations adopted by the association may not prohibit the
32 installation of drought resistant landscaping. However, the
33 declaration or bylaws, rules, and regulations may include reasonable
34 rules regarding the placement and aesthetic appearance of drought
35 resistant landscaping, as long as the rules do not render the use of
36 drought resistant landscaping arbitrarily costly or otherwise
37 effectively infeasible.

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

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.35D
8 RCW to read as follows:

9 All major facility projects subject to the requirements of RCW
10 39.35D.030 or 39.35D.040 must be designed and constructed to receive
11 all possible credits made available for water efficient landscaping
12 under the United States green building council rating system.

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