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HOUSE BILL NO. 528

Offered January 10, 2024

Prefiled January 8, 2024

A *BILL to amend the Code of Virginia by adding a section numbered 55.1-1820.2, relating to Property Owners' Association Act; low-impact landscaping; unreasonable restrictions prohibited.*

Patrons—Krizek and Laufer; Senator: Surovell

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-1820.2 as follows:

§ 55.1-1820.2. *Managed conservation landscaping; unreasonable restrictions prohibited.*

A. For the purposes of this section:

"Invasive species" means any species determined to be invasive to the state of Virginia by the Department of Conservation and Recreation pursuant to § 10.1-104.6:2.

"Managed conservation landscaping" means planned, intentional, and maintained landscaping practices that (i) incorporate environmentally sensitive design to help meet Virginia's water quality standards, including its commitments to address stormwater runoff and reduce pollution both locally and in the most recent Chesapeake Bay Total Maximum Daily Load Watershed Implementation Plan; (ii) protect clean air and water; (iii) support wildlife by avoiding known invasive species and prioritizing native species; and (iv) incorporate other features, such as rain gardens, to absorb and filter runoff and reduce or eliminate the need for supplemental water from irrigation. "Managed conservation landscaping" does not include turf grass lawns left unattended for the purpose of returning to a natural state.

"Native species" means those that occur in the region in which they evolved.

B. No association shall prohibit an owner from installing managed conservation landscaping on such owner's property unless the recorded declaration for the association establishes such prohibition. However, an association may establish reasonable restrictions concerning the management, design, and aesthetic guidelines for managed conservation landscaping features.

C. A restriction shall be deemed to be unreasonable if such restriction (i) significantly increases the cost of managed conservation landscaping, (ii) significantly decreases the efficiency or viability of managed conservation landscaping, (iii) requires cultivated vegetation to consist in whole or in part of turf grass, (iv) requires the inclusion of any invasive species, (v) prohibits managed conservation landscaping from being used in the front or visible areas of a property, or (vi) limits the use of managed conservation landscaping to a percentage of the owner's property acreage.

D. The association may prohibit or restrict the use of managed conservation landscaping on the common elements or common areas within the real estate development served by the association.

E. This section shall not apply to any restriction on use imposed upon any real property designated as a landmark by the Director of the Department of Historic Resources pursuant to § 10.1-2202.