# Appendix A Landscaping Policy Change in Response to Texas Property Code 202.007

The document below provides example language for existing HOAs to shift their landscaping policy to comply with section 202.007 of the Texas Property Code. Updates to an HOA's landscaping policy should be filed in consultation with your lawyer.

## LANDSCAPING POLICY for the [insert name of HILL COUNTRY DEVELOPMENT]

STATE OF TEXAS	§
	§
COUNTY OF [COUNTY]	§

**WHEREAS**, Section 202.007 of the Texas Property Code was amended effective September 1, 2013, regarding the regulation of xeriscaping; and

**WHEREAS**, the Board of the Association desires to hereby establish a Landscaping Policy consistent with the provisions of Section 202.007 and to provide clear and definitive guidance to its members.

**NOW THEREFORE,** the Board has duly adopted the following Landscaping Policy (the "Policy"):

#### LANDSCAPING POLICY

#### 1. Background.

Pursuant to Section 202.007 of the Texas Property Code, Association's must not unreasonably restrict Owners who desire a landscape that saves water.

The advantages of native landscaping include: (a) Substantial cost savings on water bills; (b) Conservation of diminishing water resources; (c) Prevention of pollution from environmentally harmful run-off; (d) Reduced yard maintenance requirements; (e) Pride in knowing that you are protecting our fragile environment and limited resources; and (f) Aesthetic beauty and increased options for plant material.

#### 2. Approval for Changes.

Prior to changing their landscape, a property owner must receive the advanced written approval of the ACC in accordance with the Declaration, subject to this Policy. When submitting the ACC request, the Owner must include the applicable processes and projected timelines. The request must include an outline of the project and a design plan, as well as details on the types of plants, the ground covers, border

materials, and hardscape material to be used. Consideration of the Landscape Design Guidelines must be addressed as part of your submission. Installation of the new landscaping cannot begin until the request has been approved. Once landscape installation has commenced, the project must be completed as approved.

## 3. Landscape Guidelines

The Association will allow variances to the requirement for full, properly maintained, green lawn (turf) areas, for a portion of available front yard space in view from the street so long as the following Landscape Guidelines are complied with:

## [Insert Landscape Guidelines]

#### 4. Miscellaneous.

a. **Amendment.** This Policy may be revoked or amended from time to time by the Board. This Policy will remain effective until the Association records an amendment to this Policy in the Official Public Records of [County] County, Texas.

b. **Conflict.** In the event of any conflict between this Policy and any Dedicatory Instrument of the Association, this Policy controls.

c. **Effective Date.** This Policy is effective upon recordation in the Official Public Records of [County] County, Texas.