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HOUSE BILL 2485

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Orwall, Dent, Blake, Buys, and Wylie

Read first time 01/10/18. 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 aesthetic purposes can be responsible for a noteworthy  
11 portion of summer water use by households; and

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 water  
18 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.

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

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

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

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

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

28 (a) "Drought resistant landscaping" means the use of any  
29 noninvasive vegetation adapted to arid or dry conditions, or stone or  
30 gravel.

31 (b) "Wildfire ignition resistant landscaping" includes any  
32 landscaping tools or techniques, or noninvasive vegetation, that do  
33 not readily ignite from a flame or other ignition source.

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

36 (1) The declaration of a condominium and any bylaws, rules, and  
37 regulations adopted by the association may not prohibit the  
38 installation of drought resistant landscaping or wildfire ignition

1 resistant landscaping. However, the declaration or bylaws, rules, and  
2 regulations may include reasonable rules regarding the placement and  
3 aesthetic appearance of drought resistant landscaping or wildfire  
4 ignition resistant landscaping, as long as the rules do not render  
5 the use of drought resistant landscaping or wildfire ignition  
6 resistant landscaping arbitrarily costly or otherwise effectively  
7 infeasible.

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

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

16 (a) "Drought resistant landscaping" means the use of any  
17 noninvasive vegetation adapted to arid or dry conditions, or stone or  
18 gravel.

19 (b) "Wildfire ignition resistant landscaping" includes any  
20 landscaping tools or techniques, or noninvasive vegetation, that do  
21 not readily ignite from a flame or other ignition source.

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

24 (1) Except as provided in subsection (2) of this section, all  
25 major facility projects subject to the requirements of RCW 39.35D.030  
26 or 39.35D.040 must be designed and constructed to receive all  
27 possible credits made available for water efficient landscaping under  
28 the United States green building council rating system, international  
29 green construction code, other nationally recognized consensus  
30 standard, or the Washington sustainable school design protocol as  
31 each standard existed on the effective date of this section.

32 (2) This section does not apply to athletic fields or other  
33 project elements that are eligible for exclusion from water efficient  
34 landscaping standards under either the United States green building  
35 council rating system, other nationally recognized consensus  
36 standards, or the Washington sustainable school design protocol as  
37 each standard existed on the effective date of this section.

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