



MANDATORY UPDATES TO HOA LANDSCAPING POLICIES

Governor Polis signed into law SB23-178, which is a bill regarding landscaping changes using water-wise means. The law will take effect August 9, 2023, and it applies to **detached, single family HOAs.**

SCOPE/PURPOSE

SB23-178 **mandates** that Associations allow the Owners of **detached** single-family homes the following:

- The use of xeriscape, non-vegetative turf grass, which is also known as artificial turf and drought-tolerant/nonvegetative landscaping in areas maintained by Owners.
- Vegetable gardens in the back, side, and front yards of an Owner's property.

POLICY SHOULD BE ADOPTED

SB23-178 **recommends** that Associations of detached, single-family homes adopt design guidelines related to drought-tolerant vegetative and nonvegetative landscaping, vegetable gardens and/or types, number and placement of drought-tolerant plantings and hardscape. The Association must:

- Allow artificial turf in the **backyard**.
- Allow vegetable gardens in the back, side, or front yard of an Owner's property.
- Allow an Owner to install at least 80% drought-tolerant plantings.
- Not unreasonably require the use of hardscape on more than 20% of the landscaped areas of an Owner's property.

As water-wise landscaping is now required for all detached, single family homes, we strongly recommend that the Associations adopt new design guideline policies to comply with SB23-178. Our price for drafting the new design guideline policies is \$475.00.

REQUIRED ADOPTION OF 3 PRE-APPROVED WATER-WISE DESIGNS

In addition, Associations of detached, single family homes must adopt at least three (3) pre-approved water-wise landscaping designs for installations in the front yard of an Owner's property. Associations have the option to select a downloadable design from the Colorado State University Extension Plant Select or from the municipality in which the property is located, or from other entities that create garden designs, such as landscape designers or landscaping companies.

RULES FOR ATTACHED SINGLE-FAMILY HOMES

Lastly, Association that contain **attached** single-family homes (share one or more walls with another unit, such as townhomes, paired homes, etc.), while not subject to SB23-178 must still allow the use of xeriscaping, artificial turf in the backyard only and drought-tolerant or nonvegetative landscape on the property for which the Owner is responsible for. Associations should have design policies similar to those required by SB23-178.

Have additional questions about legal matters?

Please contact us at: info@westernlawgroup.com

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