



Xeriscaping in Common Elements

New Colorado Law Recommends Draught Resistant Plants

On March 7, 2019 Colorado Governor Jared Polis signed into law an amendment to Colorado Revised Statute [38-33.3-106.5](#). The amendment concerns the promotion of water-efficient landscaping on Association property. While it was already official CCIOA policy to encourage the use of **Xeriscaping** on land owned outright by a homeowner, this recent amendment to the statute permits a homeowner to **Xeriscape** on a portion of the common elements under the homeowner's care.

Xeriscaping is the process of landscaping or gardening in a way that reduces, or entirely eliminates, the need of supplemental water from irrigation. The State of Colorado encourages **Xeriscaping** because it is a measure to conserve water in the event of draught or general water shortages.

Must my Association always use Xeriscaping now?

No. This newly amended law does not **require Xeriscaping**. However, when a homeowner requests to install **Xeriscaping** on common elements subject to the homeowner's care, the association is still permitted to deny the homeowner's request, but it must be for a reason other than the use of **Xeriscaping** on common elements. For example, a homeowner's request to **Xeriscaping** could be denied because the chosen **Xeriscaping** does not fit within the association's design guidelines. The Association is still permitted adopt guidelines regarding **Xeriscaping** standards, including the type, number and placement of **Xeriscaping** on the common element.

Please note that this newly amended statute only recommends and encourages the use of **Xeriscaping**. The State of Colorado wants to encourage as much **Xeriscaping** as possible but does not want to mandate the use of **Xeriscaping**.

Do you have any HOA questions? Sign up [here](#) for our free-of-charge DORA Certified Classes on May 2