

House Bill 1322

By: Representatives Hill of the 21st, Smith of the 70th, Willard of the 49th, and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to
2 covenants running with the land, so as to prohibit covenants which prohibit xeriscaping by
3 providing that yards in a subdivision be planted with certain types of grass or other shrubs,
4 trees, or bushes; to provide for related matters; to provide for an effective date and
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to covenants
9 running with the land, is revised by adding a new paragraph (5) to subsection (d) to read as
10 follows:

11 "(5) Notwithstanding any other provision of this Code section, no covenant that requires
12 the use of specified grasses or other shrubs, trees, or bushes shall be enforced in this state
13 unless the covenant provides for the use of xeriscaping principles to reduce the amount
14 of water necessary to maintain the landscape. Xeriscaping refers to landscaping in ways
15 that do not require supplemental irrigation. Plants whose natural requirements are
16 appropriate to the local climate are emphasized, and care is taken to avoid losing water
17 to evaporation and runoff. The General Assembly finds that landscapes can use large
18 amounts of water, and it makes sense to use plants that minimize water use and water
19 waste. Georgia's hot climate causes extremely high evaporation rates, and combined
20 with the low average rainfall during the drought in this state, prohibiting xeriscaping is
21 declared to be against the public policy of this state."

22 **SECTION 2.**

23 This Act shall become effective on July 1, 2008, and shall be applied to all landscape
24 installations on or after that date.

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.