08 LC 25 5243S

The House Committee on Natural Resources and Environment offers the following substitute to HB 1322:

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.

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:

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- 11 "(5) Notwithstanding any other provision of this Code section, no covenant that requires
- the use of specified grasses or other shrubs, trees, or bushes shall be enforced in this state
- unless the covenant provides for the use of xeriscaping principles to reduce the amount
- of water necessary to maintain the landscape. Xeriscaping refers to landscaping in ways
- that do not require supplemental irrigation. Plants whose natural requirements are
- appropriate to the local climate are emphasized, and care is taken to avoid losing water
- to evaporation and runoff. Prohibiting xeriscaping is declared to be against the public
- policy of this state."
- 19 SECTION 2.
- 20 This Act shall become effective on July 1, 2008, and shall be applied to all landscape
- 21 installations on or after that date.
- SECTION 3.
- 23 All laws and parts of laws in conflict with this Act are repealed.