

House Bill 262

By: Representatives Hill of the 21st and McCall of the 30th

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 enforcement of covenants which prohibit
3 certain xeriscape practices; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

10 "(5) Notwithstanding any other provision of this Code section, a covenant that requires
11 the use of specified grasses, trees, or bushes shall not be enforced in this state so as to
12 prohibit the use of xeriscape practices to reduce the amount of water necessary to
13 maintain the landscape. As used in this paragraph, the term 'xeriscape practices' means
14 landscape practices that conserve water and protect the environment, utilizing principles
15 of xeriscape such as planning and design, appropriate plant selection, soil analysis and
16 improvement, irrigation efficiency, practical use of turf, appropriate use of mulches, and
17 proper maintenance. Prohibiting xeriscape practices is declared to be against the public
18 policy of this state."

19 **SECTION 2.**

20 All laws and parts of laws in conflict with this Act are repealed.