
SUBSTITUTE HOUSE BILL 2485

State of Washington

65th Legislature

2018 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Orwall, Dent, Blake, Buys, and Wylie)

1 AN ACT Relating to encouraging low-water landscaping practices as
2 a drought alleviation tool; adding a new section to chapter 64.38
3 RCW; adding a new section to chapter 64.34 RCW; adding a new section
4 to chapter 39.35D RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) Water is a finite resource whose importance is heightened
8 during the periodic drought conditions that the state experiences;

9 (b) The maintenance of lawns of green grass during the summer
10 months for aesthetic purposes can be responsible for a noteworthy
11 portion of summer water use by households; and

12 (c)(i) In the event of a drought, state law already grants
13 extraordinary powers to the department of ecology to manage water
14 resources and provides for other policy responses to encourage
15 efficient use of the state's limited water supplies;

16 (ii) However, in certain instances, property association rules
17 are at odds with the public goal of making efficient use of water
18 supplies: These association rules can prohibit private property
19 owners from deciding to use low-water plants or landscaping practices
20 in place of grass lawns. Similar laws also sometimes prohibit private

1 property owners from allowing their grass to go dormant and brown
2 during droughts.

3 (2) Therefore, it is the intent of the legislature to empower
4 private property owners and remove an obstacle to water use
5 efficiency by prohibiting unreasonable homeowner association and
6 condominium association restrictions that limit private property
7 owners' ability to deploy low-water landscaping techniques. It is
8 also the intent of the legislature to ensure that state-funded
9 buildings achieve the highest landscaping water efficient benchmarks.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.38
11 RCW to read as follows:

12 (1) The governing documents may not prohibit the installation of
13 drought resistant landscaping or wildfire ignition resistant
14 landscaping. However, the governing documents may include reasonable
15 rules regarding the placement and aesthetic appearance of drought
16 resistant landscaping or wildfire ignition resistant landscaping, as
17 long as the rules do not render the use of drought resistant
18 landscaping or wildfire ignition resistant landscaping arbitrarily
19 costly or otherwise effectively infeasible.

20 (2) If a property is located within the geographic designation of
21 an order of a drought condition issued by the department of ecology
22 under RCW 43.83B.405, an association may not sanction or impose a
23 fine or assessment against an owner, or resident on the owner's
24 property, for reducing or eliminating the watering of vegetation or
25 lawns for the duration of the drought condition order.

26 (3) Nothing in this section may be construed to prohibit or
27 restrict the establishment and maintenance of a fire buffer within
28 the building ignition zone.

29 (4) The definitions in this subsection apply throughout this
30 section unless the context clearly requires otherwise.

31 (a) "Building ignition zone" means a building and surrounding
32 area up to two hundred feet from the foundation.

33 (b) "Drought resistant landscaping" means the use of any
34 noninvasive vegetation adapted to arid or dry conditions, or stone or
35 gravel.

36 (c) "Firewise" means the firewise communities program developed
37 by the national fire protection association, which encourages local
38 solutions for wildfire safety by involving homeowners, community

1 leaders, planners, developers, firefighters, and others in the effort
2 to protect people and property from wildfire risks.

3 (d) "Wildfire ignition resistant landscaping" includes:

4 (i) Any landscaping tools or techniques, or noninvasive
5 vegetation, that do not readily ignite from a flame or other ignition
6 source; or

7 (ii) The use of firewise methods to reduce ignition risk in a
8 building ignition zone.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.34
10 RCW to read as follows:

11 (1) The declaration of a condominium and any bylaws, rules, and
12 regulations adopted by the association may not prohibit the
13 installation of drought resistant landscaping or wildfire ignition
14 resistant landscaping. However, the declaration or bylaws, rules, and
15 regulations may include reasonable rules regarding the placement and
16 aesthetic appearance of drought resistant landscaping or wildfire
17 ignition resistant landscaping, as long as the rules do not render
18 the use of drought resistant landscaping or wildfire ignition
19 resistant landscaping arbitrarily costly or otherwise effectively
20 infeasible.

21 (2) If a property is located within the geographic designation of
22 an order of a drought condition issued by the department of ecology
23 under RCW 43.83B.405, an association may not impose a fine or
24 assessment against an owner, or resident on the owner's property, for
25 reducing or eliminating the watering of vegetation or lawns for the
26 duration of the drought condition order.

27 (3) Nothing in this section may be construed to prohibit or
28 restrict the establishment and maintenance of a fire buffer within
29 the building ignition zone.

30 (4) The definitions in this subsection apply throughout this
31 section unless the context clearly requires otherwise.

32 (a) "Building ignition zone" means a building and surrounding
33 area up to two hundred feet from the foundation.

34 (b) "Drought resistant landscaping" means the use of any
35 noninvasive vegetation adapted to arid or dry conditions, or stone or
36 gravel.

37 (c) "Firewise" means the firewise communities program developed
38 by the national fire protection association, which encourages local
39 solutions for wildfire safety by involving homeowners, community

1 leaders, planners, developers, firefighters, and others in the effort
2 to protect people and property from wildfire risks.

3 (d) "Wildfire ignition resistant landscaping" includes:

4 (i) Any landscaping tools or techniques, or noninvasive
5 vegetation, that do not readily ignite from a flame or other ignition
6 source; or

7 (ii) The use of firewise methods to reduce ignition risk in a
8 building ignition zone.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.35D
10 RCW to read as follows:

11 (1) Except as provided in subsection (2) of this section, all
12 major facility projects subject to the requirements of RCW 39.35D.030
13 or 39.35D.040 must, to the extent practicable and economically
14 feasible, be designed and constructed to receive all possible credits
15 made available for water efficient landscaping under the United
16 States green building council rating system, international green
17 construction code, other nationally recognized consensus standard, or
18 the Washington sustainable school design protocol as each standard
19 existed on the effective date of this section.

20 (2) This section does not apply to athletic fields or other
21 project elements that are eligible for exclusion from water efficient
22 landscaping standards under either the United States green building
23 council rating system, other nationally recognized consensus
24 standards, or the Washington sustainable school design protocol as
25 each standard existed on the effective date of this section.

26 (3)(a) Nothing in this section may prohibit or restrict the use
27 of wildfire ignition resistant landscaping, including the
28 establishment and maintenance of a fire buffer in the building
29 ignition zone, in the design and construction of major facility
30 projects subject to the requirements of RCW 39.35D.030 or 39.35D.040.

31 (b) The definitions in this subsection (3)(b) apply throughout
32 this subsection unless the context clearly requires otherwise.

33 (i) "Building ignition zone" means a building and surrounding
34 area up to two hundred feet from the foundation.

35 (ii) "Firewise" means the firewise communities program developed
36 by the national fire protection association, which encourages local
37 solutions for wildfire safety by involving homeowners, community
38 leaders, planners, developers, firefighters, and others in the effort
39 to protect people and property from wildfire risks.

1 (iii) "Wildfire ignition resistant landscaping" includes:
2 (A) Any landscaping tools or techniques, or noninvasive
3 vegetation, that do not readily ignite from a flame or other ignition
4 source; or
5 (B) The use of firewise methods to reduce ignition risk in a
6 building ignition zone.

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