

CHAPTER 221

WATER AND IRRIGATION

HOUSE BILL 25-1113

BY REPRESENTATIVE(S) Smith and McCormick, Bacon, Boesenecker, Brown, Camacho, Duran, Froelich, Joseph, Lindsay, Martinez, Sirota, Stewart R., Titone, McCluskie;
also SENATOR(S) Roberts, Bridges, Cutter, Danielson, Daugherty, Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Michaelson Jenet, Snyder, Wallace, Weissman, Winter F.

AN ACT

CONCERNING LIMITING THE USE OF CERTAIN LANDSCAPING PRACTICES IN NEW RESIDENTIAL DEVELOPMENT.

Be it enacted by the General Assembly of the State of Colorado:

- SECTION 1. Legislative declaration.** (1) The general assembly finds that:
- (a) As Colorado continues to grapple with the impacts of climate change, green urban spaces, such as urban tree canopies, are a vital adaptation tool for mitigating the impacts of climate change, especially for mitigating the urban heat island effect, which can increase energy costs, air pollution, and heat-related illnesses and deaths;
 - (b) However, water supply in the western United States is increasingly scarce due to climate change and increasing demand;
 - (c) Many communities in the state overuse nonnative grass for landscaping purposes, which requires large amounts of water to maintain;
 - (d) While there are appropriate and important uses for turf, including for civic, community, or recreational purposes such as use in parks, sports fields, and playgrounds, much of the turf in the state is nonfunctional, located in areas that receive little, if any, use, and could be replaced with landscaping that adheres to water-wise landscaping principles without adversely impacting quality of life or landscape functionality;
 - (e) Prohibiting the installation, planting, or placement of nonfunctional turf in multifamily property in the state can help conserve the state's water resources;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(f) Requiring local governments to regulate turf in new residential properties can help preserve the limited water in our state;

(g) Many communities and developments develop in a water-wise manner already and are appreciated; and

(h) Installed vegetation that adheres to water-wise landscaping principles can help reduce outdoor demand for water while avoiding heat islands.

(2) The general assembly therefore declares that preventing the installation, planting, or placement of nonfunctional turf, artificial turf, and invasive plant species in applicable property in the state is:

(a) A matter of statewide concern; and

(b) In the public interest.

SECTION 2. In Colorado Revised Statutes, 37-99-102, **amend** (1)(a)(II), (1)(a)(III), (7), and (17); **repeal** (1)(b); and **add** (1)(a)(IV), (1.5), (6.5), (10.5), (12.5), (14.5), and (18.5) as follows:

37-99-102. Definitions. As used in this article 99, unless the context otherwise requires:

(1) (a) "Applicable property" means:

(II) Common interest community property; ~~or~~

(III) A street right-of-way, parking lot, median, or transportation corridor; OR

(IV) APPLICABLE RESIDENTIAL REAL PROPERTY.

(b) ~~"Applicable property" does not include residential property.~~

(1.5) "APPLICABLE RESIDENTIAL REAL PROPERTY" MEANS A MULTIFAMILY RESIDENTIAL HOUSING PREMISES PROPERTY THAT INCLUDES MORE THAN TWELVE DWELLING UNITS.

(6.5) "FUNCTIONAL ARTIFICIAL TURF" MEANS ARTIFICIAL TURF THAT IS:

(a) LOCATED IN A RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE A PLAYGROUND, A SPORTS FIELD, A PICNIC GROUND, AN AMPHITHEATER, A PORTION OF A PARK, AND THE PLAYING AREA OF A GOLF COURSE, SUCH AS A DRIVING RANGE, CHIPPING AND PUTTING GREEN, TEE BOX, GREEN, FAIRWAY, AND ROUGH; OR

(b) A COMPONENT OF A PRODUCT DESIGNED AND APPROVED BY A PROFESSIONAL ENGINEER FOR CIVIL INFRASTRUCTURE PROJECTS, INCLUDING BUT NOT LIMITED TO:

(I) COVERS FOR SOLID WASTE FACILITIES AND BROWNFIELD SITES; AND

(II) REVETMENTS FOR SLOPES, CHANNELS, LEVEES, AND DAMS.

(7) "Functional turf" means turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include ~~playgrounds, sports fields, picnic grounds, amphitheaters, portions of parks, and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs~~ A PLAYGROUND, A SPORTS FIELD, A PICNIC GROUND, AN AMPHITHEATER, A PORTION OF A PARK, AND THE PLAYING AREA OF A GOLF COURSE, SUCH AS A DRIVING RANGE, CHIPPING AND PUTTING GREEN, TEE BOX, GREEN, FAIRWAY, AND ROUGH.

(10.5) "MULTIFAMILY RESIDENTIAL HOUSING PREMISES PROPERTY" MEANS COMMON INTEREST PROPERTY SUCH AS ENTRYWAYS, PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION 38-33.3-103 (5).

(12.5) "NONFUNCTIONAL ARTIFICIAL TURF" MEANS ARTIFICIAL TURF THAT IS NOT FUNCTIONAL ARTIFICIAL TURF.

(14.5) "RESIDENTIAL REAL PROPERTY" HAS THE MEANING SET FORTH IN SECTION 39-1-102 (14.5).

(17) "Turf" ~~has the meaning set forth in section 37-60-135 (2)(i)~~ MEANS CONTINUOUS PLANT COVERAGE CONSISTING OF NONNATIVE GRASSES OR GRASSES THAT HAVE NOT BEEN HYBRIDIZED FOR ARID CONDITIONS AND WHICH, WHEN REGULARLY MOWED, FORM A DENSE GROWTH OF LEAF BLADES AND ROOTS.

(18.5) "URBAN TREE" MEANS A PERENNIAL WOODY PLANT WITH A SINGLE OR MULTIPLE TRUNKS THAT SUPPORT A CANOPY OF BRANCHES AND LEAVES AND THAT PROVIDES ECOLOGICAL, SOCIAL, AND ECONOMIC BENEFITS WITHIN A BUILT ENVIRONMENT.

SECTION 3. In Colorado Revised Statutes, 37-99-103, **amend** (1), (3), (4)(a), (4)(b), (4)(d), and (4)(e); and **add** (4)(f) and (5) as follows:

37-99-103. Prohibition of nonfunctional turf, nonfunctional artificial turf, and invasive plant species - local entities - construction or renovation of state facilities. (1) On and after January 1, 2026, a local entity shall not install, plant, or place, or allow any person to install, plant, or place, any nonfunctional turf, NONFUNCTIONAL artificial turf, or invasive plant species, as part of a new development project or redevelopment project, on any portion of applicable property within the local entity's jurisdiction.

(3) The department shall not install, plant, or place, or allow any person to install, plant, or place, any nonfunctional turf, NONFUNCTIONAL artificial turf, or invasive plant species as part of a project for the construction or renovation of a state facility, which project design commences on or after January 1, 2025.

(4) Nothing in this section prohibits:

(a) A local entity from maintaining, or allowing any person to maintain, any

nonfunctional turf, NONFUNCTIONAL ARTIFICIAL TURF, artificial turf, or invasive plant species installed, planted, or placed before January 1, 2026;

(b) The department from maintaining, or allowing any person to maintain, any nonfunctional turf, NONFUNCTIONAL ARTIFICIAL TURF, artificial turf, or invasive plant species installed, planted, or placed at a state facility before January 1, 2025;

(d) A local entity or the department from establishing prohibitions on, or requirements for, nonfunctional turf, artificial turf, or invasive plant species that are more stringent than the requirements of this section; ~~or~~

(e) A local entity or the department from installing, or allowing ~~any~~ A person to install, artificial turf on athletic fields of play; OR

(f) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING OR PRESERVING URBAN TREES.

(5) (a) ON AND AFTER JANUARY 1, 2028, A LOCAL ENTITY SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW A PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, NONFUNCTIONAL ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTIES THAT INCLUDE MULTIFAMILY RESIDENTIAL HOUSING PREMISES PROPERTY.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LOCAL ENTITY OR THE DEPARTMENT SHALL NOT RESTRICT A PERSON FROM INSTALLING OR ALLOWING ANOTHER PERSON TO INSTALL GRASS SEED OR SOD THAT:

(I) IS A NATIVE PLANT;

(II) HAS BEEN HYBRIDIZED FOR ARID CONDITIONS; OR

(III) IS A LOW-WATER GRASS.

(c) ON OR BEFORE JANUARY 1, 2028, EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY SHALL ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS TO:

(I) REGULATE THE INSTALLATION OF NONFUNCTIONAL TURF IN ORDER TO REDUCE IRRIGATION WATER DEMAND ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION; AND

(II) INCLUDE CONSIDERATION OF APPLICABLE RESIDENTIAL REAL PROPERTY.

SECTION 4. In Colorado Revised Statutes, **add** 37-99-104 as follows:

37-99-104. Regulation of turf in new residential property - local entities - exemptions. (1) ON OR BEFORE JANUARY 1, 2028, EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY SHALL ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS REGULATING NEW DEVELOPMENT

PROJECTS AND REDEVELOPMENT PROJECTS WITHIN THE LOCAL ENTITY'S JURISDICTION TO REGULATE THE INSTALLATION OF TURF TO REDUCE IRRIGATION WATER DEMAND FOR ALL RESIDENTIAL REAL PROPERTY THAT IS NOT APPLICABLE RESIDENTIAL REAL PROPERTY.

(2) ON AND AFTER JANUARY 1, 2028, WHEN ENACTING OR AMENDING ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS, EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY SHALL REGULATE THE INSTALLATION OF TURF TO REDUCE IRRIGATION WATER DEMAND FOR ALL RESIDENTIAL REAL PROPERTY THAT IS NOT APPLICABLE RESIDENTIAL REAL PROPERTY.

(3) EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY MAY CHOOSE THE STANDARD OR MECHANISM BY WHICH IT REGULATES TURF IN NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS OF RESIDENTIAL REAL PROPERTY PURSUANT TO THIS SECTION.

(4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, NEITHER A LOCAL ENTITY NOR THE DEPARTMENT SHALL RESTRICT A PERSON FROM INSTALLING OR ALLOWING ANOTHER PERSON TO INSTALL GRASS SEED OR SOD THAT:

- (a) IS A NATIVE PLANT;
- (b) HAS BEEN HYBRIDIZED FOR ARID CONDITIONS; OR
- (c) IS A LOW-WATER GRASS.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 20, 2025