

## PROPOSED VIRGINIA LEGISLATION:

### [HB528](#): Managed Conservation Landscaping in Property Owners' Associations

**Bill Patron:** Delegate Krizek

**Overview:** HB528 provides property owners in homeowner associations (HOAs) the authority to choose to install managed conservation landscaping on their private property, unless regulated via their HOA's declarations. Currently, Virginia code does not protect homeowners wanting to install conservation landscaping, such as using landscape practices that incorporate environmentally sensitive design to address stormwater runoff, reduce pollution, protect clean air and water and support wildlife through the use of native plants.

#### **Reasons to support:**

With more than 8,810 HOAs in Virginia, nearly one in four Virginians live in homes controlled by HOAs. It is increasingly difficult to buy a new home *outside* of an HOA: According to the U.S. Census, 82% of newly built homes sold in 2021 were a part of an HOA. That figure has more than doubled since 1990 when it was just 40%.



As we face the current climate crisis, HOA residents should have the flexibility to more sustainably manage their private land, including reduced reliance on fertilizers and pesticides. Conservation landscaping purifies our air, sequesters carbon, reduces water use, and reduces polluted runoff that comes from turf and degrades our local rivers and streams, as well as the Chesapeake Bay. Managed conservation landscapes are designed to be attractive to the human eye while also providing habitat for birds, bees, and other pollinators

With stronger, longer, and more intense storms, managed conservation landscaping can address stormwater challenges and mitigate the effects of climate change and flooding, while improving water quality through more improved filtration. As we also face a biodiversity crisis, managed conservation landscaping can improve the health and biodiversity of Virginia's ecosystem, including support for native pollinators, soil health and air quality, while helping to raise awareness about the benefits of native species, which in turn can drive broader demand for ecologically-beneficial sustainable landscape methods and the sale of native plant species.

Current Virginia law favors a community association's ability to restrict landscaping, including requiring the use of turf-grass, unless homeowners have the resources or funds to mount a legal challenge. For example, Mike and Sian Pugh<sup>1</sup> successfully defended their right to keep their 2-acre native meadow on their property in their Loudoun County HOA. The lawsuit was ultimately settled in the Pugh's favor, however their HOA paid only \$65k of his \$85k legal expenses.

Want to learn more? Contact **Renee Grebe**, NOVA Conservation Advocate with Nature Forward:  
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<sup>1</sup> [https://www.washingtonpost.com/local/virginia-politics/in-this-subdivision-lawns-must-be-mowed-but-what-about-meadows/2018/08/03/a18e03bc-966c-11e8-810c-5fa705927d54\\_story.html](https://www.washingtonpost.com/local/virginia-politics/in-this-subdivision-lawns-must-be-mowed-but-what-about-meadows/2018/08/03/a18e03bc-966c-11e8-810c-5fa705927d54_story.html)