

1 HOUSE BILL 352

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Joanne J. Ferrary and Kathleen Cates and Susan K. Herrera and
5 Cynthia Borrego and Tara L. Lujan
6
7
8
9

10 AN ACT

11 RELATING TO WATER; PROHIBITING THE INSTALLATION OF
12 NONFUNCTIONAL TURF BY 2025; PROHIBITING THE USE OF POTABLE
13 WATER TO IRRIGATE NONFUNCTIONAL TURF BEGINNING IN 2030;
14 REQUIRING NONFUNCTIONAL TURF THAT IS REMOVED TO BE REPLACED
15 WITH DROUGHT- AND CLIMATE-RESILIENT LANDSCAPING; PROVIDING FOR
16 A PENALTY.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. [NEW MATERIAL] NONFUNCTIONAL TURF--
20 PROHIBITIONS ON INSTALLATION AND USING POTABLE WATER--PROVIDING
21 PENALTIES.--

22 A. As used in this section:

23 (1) "drought- and climate-resilient
24 landscaping" includes efficient irrigation systems, organic
25 mulches, water harvesting, reuse systems, xeriscaping and trees

.224178.2

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 and other plants that can rely solely on rainfall or withstand
2 extended periods of dry weather once established;

3 (2) "large public water system" means a public
4 water system that regularly serves at least five thousand
5 individuals daily;

6 (3) "nonfunctional turf" means irrigated turf
7 grass that has no recreational purpose or is primarily
8 decorative, including turf in or around medians, roundabouts,
9 parking lots, landscape strips between the sidewalk and the
10 street, commercial properties and industrial properties;

11 (4) "public water system" means a system for
12 the provision to the public of water for human consumption
13 through pipes or other constructed conveyances, if such system
14 has at least fifteen service connections or regularly serves an
15 average of at least twenty-five individuals daily at least
16 sixty days out of the year; and

17 (5) "residential property" means a property
18 zoned for a single-family or multifamily dwelling, but does not
19 include a common area of a homeowner association.

20 B. Nonfunctional turf shall not be installed on
21 nonresidential properties on or after January 1, 2025.

22 C. On or after January 1, 2030, and in an area
23 serviced by a large public water system, potable water shall
24 not be used to irrigate nonfunctional turf on nonresidential
25 property, and nonfunctional turf that is removed shall be

.224178.2

underscoring material = new
~~[bracketed material] = delete~~

1 replaced with drought- and climate-resilient landscaping.

2 D. Counties and municipalities, including home rule
3 municipalities, shall enact ordinances to carry out the
4 provisions of this section, including to expand upon the
5 definition of "nonfunctional turf", and shall by ordinance
6 prescribe a penalty for a violation of the provisions of this
7 section.

8 - 3 -