

HOA Conservation Landscaping: 2027 draft bill language

This language builds on Nature Forward's & Wild Ones NOVA's 2024 collaboration with the Community Associations Institute with bill language ideas from other state's laws, such as [Illinois's 2024 Homeowner's Native Landscaping Act](#).

As of July 2026, Nature Forward and Wild Ones are beginning talks with legislators and we'll be using this bill language for discussion.

1) Be it enacted by the General Assembly of Virginia:

That the Code of Virginia is amended by adding a section numbered 55.1-1820.2 as follows

A. For the purposes of this section:

"Invasive species" means any species determined to be invasive to the state of Virginia by the Department of Conservation and Recreation pursuant to §10.1-104.6:2.

"Native Species" means trees, shrubs, vines, ferns, flowers, forbs, sedges, grasses, and other plants and wildlife, including pollinators, found in the State of Virginia before European settlement or as otherwise defined by rule by the Department of Conservation and Recreation.

"Managed conservation landscaping" means an intentionally planned and maintained area and landscaping practices that

- (i) consists of trees, shrubs, vines, ferns, flowers, forbs, sedges, grasses, and other plants composed mainly of Virginia native species.*
- (ii) incorporate environmentally sensitive design to help meet Virginia's water quality including its commitments to address stormwater runoff and reduce pollution both locally and in the most recent Chesapeake Bay Total Maximum Daily Load Watershed Implementation Plan;*
- (iii) protect clean air and water;*
- (iv) supports pollinators native to Virginia;*
- (v) incorporates other features, such as rain gardens, to absorb and filter run-off and reduce or eliminate the need for supplemental water from irrigation;*
- (vi) "Managed Conservation Landscaping" does not include invasive species or noxious weeds*

- B. No association shall prohibit an owner from installing managed conservation landscaping on such owner's property unless the recorded declaration for the association establishes such prohibition so long as the area is maintained predominantly

free of weeds, invasive species, and trash, and vegetation does not extend over or onto neighboring properties, public or common sidewalks, pathways, streets or other public or common areas or elements, and does not interfere with traffic or utilities.

However, an association may establish reasonable restrictions concerning the management, design, and aesthetic guidelines for managed conservation landscaping features.

- C. A restriction shall be deemed to be unreasonable if such restriction
 - (i) significantly increases the cost of managed conservation landscaping,
 - (ii) impairs the managed conservation landscape's proper maintenance and care
 - (iii) requires cultivated vegetation to consist in whole or in part of turf grass
 - (iv) requires the inclusion of any invasive species
 - (v) prohibits managed conservation landscaping from being used in the front or visible areas of a property, or
 - (vi) limits the use of managed conservation landscaping to a percentage of the owner's property acreage.
- D. The association may prohibit or restrict the use of managed conservation landscaping in the common elements or common areas within the real estate development served by the association.
- E. This section shall not apply to any restriction on use imposed upon any real property designated as a landmark by the Director of the Department of Historic Resources pursuant to §10.1-2202