Section i - Sample Provision Excerpt (Public Preview)

n in a a dedicatory dedicatory instrument that prohibits prohibits a solar energy energy device device that: that: (i) (i) is is located located in in an an area area on on the the Owner's Owner's property other than the roof roof of the home or or another

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. i (p. 3): Clause prohibits or over-restricts solar energy devices in conflict with Tex. Prop. Code § 202.010.

Statutory / Legal Reference: Tex. Prop. Code § 202.010

Statutory Comparison: Tex. Prop. Code § 202.010 renders void any dedicatory instrument provision that prohibits or restricts a property owner from installing a solar energy device, unless one of the narrow statutory exceptions in § 202.010(d) applies. An association may not deny a front-facing roof installation if the owner demonstrates using the NREL PVWatts Calculator that an alternate roof orientation does not...

CURRENT WORDING IN DOCUMENT:

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(i) is is located located in in an an area area on on the the Owner's Owner's property other than the roof roof of the home or or another

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

**n in a a dedicatory dedicatory instrument that prohibits prohibits a solar energy energy device device that: that: (i)
(i) is is located located in in an an area area on on the the Owner's Owner's property other than the roof roof of the home or or another [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Notwithstanding anything herein to the contrary, the installation of solar energy...**