

Section (d) - Sample Provision Excerpt (Public Preview)

Failure to comply with Generator Policy Failure to comply with Solar Panel guidelines Failure to submit Landscaping Plan prior to installation Failure to comply with Rainwater Recovery System guidelines Failure to comply with the Flagpoles and Flags

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. (d) (p. 9): 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:

Failure to comply with Generator Policy Failure to comply with Solar Panel guidelines Failure to submit Landscaping Plan prior to installation Failure to comply with Rainwater Recovery System guidelines Failure to comply with the Flagpoles and Flags

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Failure to comply with Generator Policy Failure to comply with Solar Panel guidelines Failure to submit Landscaping Plan prior to installation Failure to comply with Rainwater Recovery System guidelines Failure to comply with the Flagpoles and Flags [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Notwithstanding anything herein to the contrary, the installation of solar energy devices...