

Section 5 - Sample Provision Excerpt (Public Preview)

Solar Collectors/Panels/Water Heater:  
Panels mounted on the front- side of the roof must be flush with the roof. Panels mounted on the rear side of the roof.may be flush or elevated.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5 (p. 15): 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:

Solar Collectors/Panels/Water Heater: Panels mounted on the front- side of the roof must be flush with the roof. Panels mounted on the rear side of the roof.may be flush or elevated.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding anything herein to the contrary, the installation of solar energy devices shall be governed by Tex. Prop. Code § 202.010. The Association may not prohibit or withhold approval for a solar energy device that conforms to the roof slope, uses silver, bronze, or black frames/piping, and satisfies § 202.010(d), nor may the Association require an alternate roof location unless the...