

Section General - Sample Provision Excerpt (Public Preview)

provide solar energy capture capabilities. Once installed, any such Alternative Shingles must: a. resemble the shingles used or authorized to be used on other structures within the Association; and b.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. General (p. 1): 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 increase estimated annual energy production by more than 10%.

CURRENT WORDING IN DOCUMENT:

provide solar energy capture capabilities. Once installed, any such Alternative Shingles must: a. resemble the shingles used or authorized to be used on other structures within the Association; and b.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

provide solar energy capture capabilities. Once installed, any such Alternative Shingles must: a. resemble the shingles used or authorized to be used on other structures within the Association; and b. [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Notwithstanding anything herein to the contrary, the installation of solar energy devices shall be governed by Tex. Prop. Code § 202.010.