

Section Clause #1 - Sample Provision Excerpt (Public Preview)

Clotheslines
Antennas, Towers, Vertical Structures, and
Flagpoles
Flags
Wind Generators
Signs

ISSUE #1 No building, structure, fence, wall, Dwelling Unit, or Improvement of any kind or nature shall be erected, placed, or altered on any Lot until all plans and specifications have been submitted to and approved by the ARC.

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Clause #1 (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...

CURRENT WORDING IN DOCUMENT:

Clotheslines Antennas, Towers, Vertical Structures, and Flagpoles
Flags Wind Generators
Signs No building, structure, fence, wall, Dwelling Unit, or Improvement of any kind or nature shall be erected, placed, or altered on any Lot until all plans and specifications have been submitted to and approved by the ARC.

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...