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MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. Di (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 increase estimated annual energy production by more than 10%.
CURRENT WORDING IN DOCUMENT:
Solar Device and Energy Efficient Roofing Policy Sponsorship and Endorsement Policy
Statutory Notices: - Notice of Annual Meetings, Elections, and Voting - Notice of Conduct of Board Meetings - Posting and Recordation of Documents Policy Transponder Policy
Xeriscaping Policy 2021 Legislative Updates - Architectural Review Supplemental Policy
-Service Contracts Bid Procedures; Prohibited Director Contracts - Pool Enclosures 17 18 19 20 21 22 23 24 25 26 27 4860-1414-0878v.
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 alternate location increases estimated annual energy production by more than ten percent (10%) as modeled by the NREL PVWatts Calculator.