Section 4.3 - Sample Provision Excerpt (Public Preview)

Solar Panels and Systems
No solar panels or solar heating or
electrical system or similar apparatus shall be placed in or upon any Lot without the prior approval of the Committee which shall have the authority to disapprove the installation of same or to limit the installation of same so that no portion thereof is visble from any street

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING
BOARD & COUNSEL REVIEW

Sec. 4.3 (p. 10): 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 Panels and Systems No solar panels or solar heating or electrical system or similar apparatus shall be placed in or upon any Lot without the prior approval of the Committee which shall have the authority to disapprove the installation of same or to limit the installation of same so that no portion thereof is visble from any street

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...