

## **BILL ANALYSIS**

C.S.H.B. 1651  
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Business & Industry  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Energy prices are up, thermometers are on the rise, and instability in oil supplies continues to strain energy production. As the real and embedded costs of energy become increasingly apparent, the United States is at a tipping point. Changing the energy habits of American citizens is not only desirable, but also necessary for our sustained ecological and economic health and needs to be encouraged. Homeowners wanting to install solar energy devices on their home should not be prohibited by property owners associations from doing so, simply based on aesthetic appearance.

C.S.H.B. 1651 prohibits a property owners' associations from restricting property owners installation of solar energy devices.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Prohibits property owners' associations from disallowing solar energy devices in general, but lays out installations that could be restricted by the associations, such as those that threaten public health or safety, or violate the law. Property owners' associations are granted the ability to restrict solar energy devices if they are located on the property, but not mounted on the roof of the home, or in a fenced in yard or patio maintained by the owner.

SECTION 2. Provides that this Act applies to a dedicating instrument without regard to whether the dedicatory instrument takes effect or is renewed before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of 2/3 of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original by changing wording from "Solar Energy Panels" to "Solar Energy Devices", and removes provisions of the bill specific to solar energy panels.

The substitute removes language exempting certain property owners' associations.

The substitute specifies that property owners' associations are authorized to prohibit solar energy devices located on land belonging to the property owners' associations or in common areas. The substitute modifies language defining where property owners' associations are required to allow homeowners to place solar energy devices.

