

BILL ANALYSIS

H.B. 25
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Energy prices are up, temperatures are on the rise, and instability in oil supplies continues to plague energy production. Changing the energy consumption habits of U.S. citizens is not only desirable but also necessary to sustain ecological and economic health. Homeowners who want to install solar panels on their homes should not be prohibited by property owners' associations from doing so based simply on aesthetic appearance.

H.B. 25 prohibits a property owners' association from restricting a property owner's installation of solar energy panels, except in certain circumstances.

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

H.B. 25 amends the Property Code to prohibit a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits or restricts a property owner's installation of a solar energy device. The bill voids a provision in a dedicatory instrument contrary to this prohibition. The bill permits the inclusion in a dedicatory instrument of a prohibition against a solar energy device that threatens the public health or safety, violates a law, is located on property owned or maintained by the property owners' association, is located on property owned in common by the members of the property owners' association, is located in an area on the property owner's property other than the roof of the home or in a fenced yard or patio, or is mounted on a device that is taller or more visually obtrusive than is necessary for the solar energy device to operate at not less than 90 percent of its rated efficiency.

H.B. 25 makes its provisions applicable to a dedicatory instrument without regard to whether the dedicatory instrument takes effect or is renewed before, on, or after the effective date of this bill.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.