By: Leibowitz H.B. No. 25

A BILL TO BE ENTITLED

1	AN ACT
2	relating to the regulation of solar energy devices by a property
3	owners' association.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Chapter 202, Property Code, is amended by adding
6	Section 202.008 to read as follows:
7	Sec. 202.008. REGULATION OF SOLAR ENERGY DEVICES. (a) In
8	this section, "solar energy device" has the meaning assigned by
9	Section 171.107, Tax Code.
10	(b) Except as otherwise provided by this section, a property
11	owners' association may not include or enforce a provision in a
12	dedicatory instrument that prohibits or restricts a property owner
13	from installing a solar energy device.
14	(c) A provision that violates Subsection (b) is void.
15	(d) This section does not prohibit the inclusion or
16	enforcement of a provision in a dedicatory instrument that
17	prohibits a solar energy device that:
18	(1) threatens the public health or safety;
19	(2) violates a law;
20	(3) is located on property owned or maintained by the
21	<pre>property owners' association;</pre>
22	(4) is located on property owned in common by the
23	members of the property owners' association;

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(5) is located in an area on the property owner's

1 property ot	ther than:
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- 2 (A) on the roof of the home; or
- 3 (B) in a fenced yard or patio maintained by the
- 4 property owner; or
- 5 (6) is mounted on a device that is taller or more
- 6 visually obtrusive than is necessary for the solar energy device to
- 7 operate at not less than 90 percent of its rated efficiency.
- 8 SECTION 2. Section 202.008, Property Code, as added by this
- 9 Act, applies to a dedicatory instrument without regard to whether
- 10 the dedicatory instrument takes effect or is renewed before, on, or
- 11 after the effective date of this Act.
- 12 SECTION 3. This Act takes effect immediately if it receives
- 13 a vote of two-thirds of all the members elected to each house, as
- 14 provided by Section 39, Article III, Texas Constitution. If this
- 15 Act does not receive the vote necessary for immediate effect, this
- 16 Act takes effect September 1, 2009.