

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of solar energy devices by a property owners' association.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.010 to read as follows:

Sec. 202.010. REGULATION OF SOLAR ENERGY DEVICES. (a) In this section, "solar energy device" has the meaning assigned by Section 171.107, Tax Code.

(b) Except as otherwise provided by this section, a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.

(c) A provision that violates Subsection (b) is void.

(d) This section does not prohibit the inclusion or enforcement of a provision in a dedicatory instrument that prohibits a solar energy device that:

(1) threatens the public health or safety;

(2) violates a law;

(3) is located on property owned or maintained by the property owners' association;

(4) is located on property owned in common by the members of the property owners' association;

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

1 property other than:

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 202.010, Property Code, as added by this
9 Act, applies to a deed restriction enacted before, on, or after the
10 effective date of this Act.

11 SECTION 3. This Act takes effect January 1, 2010.