

BILL ANALYSIS

Senate Research Center
82R782 PMO-D

S.B. 447
By: Jackson
Intergovernmental Relations
2/28/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, property owners' associations are authorized to restrict modifications that owners may make to their homes. Property owners' associations are creating deed restrictions in order to restrict the placement and usage of solar panels. Solar panels provide a source of renewable, clean energy to help power homes and reduce dependence upon traditional sources of electricity.

As proposed, S.B. 447 prohibits a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy panel and amends current law relating to the regulation of solar energy devices by a property owners' association.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 202, Property Code, by adding Section 202.010, as follows:

Sec. 202.010. REGULATION OF SOLAR ENERGY DEVICES. (a) Defines in this section, "solar energy device."

(b) Prohibits a property owners' association, except as otherwise provided by this section, from including or enforcing a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.

(c) Provides that a provision that violates Subsection (b) is void.

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

(1) as adjudicated by a court threatens the public health or safety, or violates a law;

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

(3) is located on property owned in common by the members of the property owner' association; or

(4) is located in an area on the property owner's property other than on the roof of the home, or in a fenced yard or patio maintained by the property owner.

SECTION 2. Provides that Section 202.010, Property Code, as added by this Act, applies 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 Act.

SECTION 3. Effective date: upon passage or September 1, 2011.