

By: Solomons

H.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Sections 202.010 and 202.011 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) as adjudicated by a court:

(A) threatens the public health or safety; or

(B) 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

1 members of the property owners' association; or

2 (4) is located in an area on the property owner's
3 property other than:

4 (A) on the roof of the home; or

5 (B) in a fenced yard or patio maintained by the
6 property owner.

7 Sec. 202.011. REGULATION OF CERTAIN ROOFING MATERIALS. A
8 property owners' association may not include or enforce a provision
9 in a dedicatory instrument that prohibits or restricts a property
10 owner who is otherwise authorized to install shingles on the roof of
11 the owner's property from installing shingles that:

12 (1) are designed primarily to:

13 (A) be wind and hail resistant; and

14 (B) provide heating and cooling efficiencies
15 greater than those provided by customary composite shingles; and

16 (2) when installed:

17 (A) resemble the shingles used or otherwise
18 authorized for use on property in the subdivision;

19 (B) are more durable than and are of equal or
20 superior quality to the shingles described by Paragraph (A); and

21 (C) match the aesthetics of the property
22 surrounding the owner's property.

23 SECTION 2. Sections 202.010 and 202.011, Property Code, as
24 added by this Act, apply to a dedicatory instrument without regard
25 to whether the dedicatory instrument takes effect or is renewed
26 before, on, or after the effective date of this Act.

27 SECTION 3. This Act takes effect immediately if it receives

H.B. No. 362

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.