

BILL ANALYSIS

Senate Research Center

S.B. 1626
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1626 is intended to restore freedom to homeowners who wish to install solar technology on their homes.

Neighborhoods that are still not fully built out are considered to be in the "development phase," and are typically under management of the homebuilder or developer, prior to being turned over to an independent Property Owners Association (POA). Developers can block residents from installing solar if the neighborhood is still in the development phase.

S.B. 1626 provides that during the development period, the developer may only prohibit a property owner from installing solar in developments with fewer than 51 residential units. The bill defines residential units to mean a structure or part of a structure intended for use as a single residence and that is either a single-family house or a separate living unit in a duplex, a triplex, or a quadplex.

Importantly, S.B. 1626 does not affect the ability of a POA to still block solar installations under the existing guidelines. Under current law, POAs can block residents from installing solar if the solar "substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance" to the property's neighbors.

S.B. 1626 amends current law relating to the regulation by a developer of the installation of solar energy devices in a residential subdivision.

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 Section 202.010(a), Property Code, by adding Subdivision (1-a) to define "residential unit."

SECTION 2. Amends Section 202.010(f), Property Code, to authorize a declarant to prohibit or restrict a property owner from installing a solar energy device for a development with fewer than 51 planned residential units during the development period of a subdivision.

SECTION 3. Effective date: September 1, 2015.