

## **BILL ANALYSIS**

Senate Research Center  
80R3166 EJI-D

S.B. 358  
By: Jackson, Mike  
Intergovernmental Relations  
2/23/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, property owners' associations are authorized to restrict modifications that owners 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. 358 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.

### **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 202.008, as follows:

Sec. 202.008. REGULATION OF SOLAR ENERGY PANELS. Defines "solar energy panel." 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 deems any provision that violates this void, except when the solar energy panel threatens the public health or safety or violates a law.

SECTION 2. Makes application of this Act applicable to a dedicatory instrument without regard to when the instrument takes effect or is renewed.

SECTION 3. Effective date: upon passage or September 1, 2007.