

## **BILL ANALYSIS**

Senate Research Center  
82R782 PMO-D

S.B. 302  
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Intergovernmental Relations  
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As Filed

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

Many property owners' associations have deed restrictions, covenants, regulations, or policies that address or even prohibit the installation of solar panels. With energy prices on the rise, the demand for alternative power sources has increased. Many homeowners are turning to solar panels as an alternative power source, but are facing increasing frustration with property owners' association restrictions. These burdensome restrictions unnecessarily restrict Texas citizens' freedom to enjoy the benefits of clean energy. S.B. 302 prevents property owners' associations from prohibiting or restricting a property owner from installing a solar energy device on a home roof, or in a fenced yard or patio maintained by the property owner.

As proposed, S.B. 302 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 owners' 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.