

By: Jackson, Mike

S.B. No. 358

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of solar energy panels by a property owners' association.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.008 to read as follows:

Sec. 202.008. REGULATION OF SOLAR ENERGY PANELS. (a) In this section, "solar energy panel" means a panel device or system designed primarily to:

(1) collect solar energy, as defined by Section 2166.403, Government Code; or

(2) collect and subsequently use solar energy as thermal, mechanical, or electrical energy.

(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 panel.

(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 panel that:

(1) threatens the public health or safety; or

(2) violates a law.

SECTION 2. Section 202.008, Property Code, as added by this

1 Act, applies to a dedicatory instrument without regard to whether
2 the dedicatory instrument takes effect or is renewed before, on, or
3 after the effective date of this Act.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.