

## **Solar Panel Installations**

This past year, the Board of Directors approved recommendations from the CMHOA attorney to codify our regulations about solar panels to be congruent with the Texas property code requirements.

### **D. SOLAR PANEL REGULATIONS**

D-1 Installation of Solar Panels. To the extent permitted and protected by applicable law (Texas Property Code Section 202.010), a property owner may install solar energy devices defined by Texas Property Code Section 202.010 (“Solar Energy Devices”) on the roof or in a fenced yard or patio on his or her lot, subject to the requirements of these Solar Panel Regulations.

D-2 Environmental Control Committee Approval. A property owner must apply to the Environmental Control Committee for prior written approval of a Solar Energy Device and its proposed location, pursuant to the provisions of the Declaration or other Governing Documents of the Association. Environmental Control Committee approval may not be withheld if the Solar Energy Device meets or exceeds the requirements and limitations of these Solar Panel Regulations, unless the Environmental Control Committee determines in writing that placement of the Solar Energy Device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the Solar Energy Device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

D-3 Yard Installation. A Solar Energy Device may be installed in a fenced yard or patio owned and maintained by the property owner, provided the Solar Energy Device is not taller than the fence line.

D-4 Roof Installation. A Solar Energy Device may be installed on the roof of a residential dwelling or other structure allowed under the Declaration if installed in full compliance with all of the following requirements:

(1) The Solar Energy Device may not extend higher than or beyond the roofline, the Solar Energy Device must conform to the slope of the roof, and the top edge of the Solar Energy Device must be parallel to the roofline;

(2) The color of the Solar Energy Device’s frame, support bracket, and visible piping or wiring must be a silver, bronze, or black tone commonly available in the marketplace; and

(3) The Solar Energy Device must be installed on a portion of the roof designated by the Environmental Control Committee, which should generally be a portion of the roof that is not readily visible from a street or common area. A property owner may install a Solar Energy Device in a location on the roof other than the location designated by the Environmental Control Committee only if installation of the Solar Energy Device at such alternative location will

increase the estimated annual energy production of the Solar Energy Device by more than ten percent (10%), as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory.

D-5 Prohibited Installations. A property owner may not install a Solar Energy Device in a common area; nor may a property owner install a Solar Energy Device in a manner that, as installed, would violate material warranties. A property owner is also prohibited from installing a Solar Energy Device that has been held by a court to violate a law or threaten public health or safety.