



Texas Homeowners Association Residents' Solar Rights

Millions of Americans are letting the sun pay their electric bills by installing solar panels on their homes. However, some **homeowners' associations (HOAs)** are preventing residents from going solar. This opposition to solar comes from a limited understanding of how solar benefits solar homeowners and their neighbors.

Twenty-five states, including Texas, have passed solar access laws protecting a homeowner's right to go solar. Unfortunately, even in states with solar access laws, many HOAs still either prohibit or enact unreasonable restrictions on solar installations.

Texas Property Code Section 202.010 forbids HOAs and property owners associations from prohibiting outright a property owner from installing a solar energy device as defined by Texas Tax Code Section 171.107.

Subsequent legislation (HB 362) clarified that HOA homeowners must follow the normal procedures for seeking improvements, including a written request or application to an appointed Architecture Review Committee or similar council.

Texas law does allow HOAs to restrict solar panels if one of the following conditions exist:

- ▶ **If the solar energy devices are illegal or violate public health and safety**
- ▶ **If they are located on common property within the subdivision**
- ▶ **If they extend higher than the roofline, do not conform to the slope of the roof, or are not parallel to the roofline**
- ▶ **If they are ground-mounted and extend above the homeowner's fence**
- ▶ **If they are installed in a way that voids the warranties**
- ▶ **If they have an element that is not in a silver, bronze, or black tone**
- ▶ **If they are installed without prior approval by the HOA**



HOAs can also designate where solar panels may be placed on a homeowner's roof; however, homeowners can petition for an alternate location if they can prove that the location chosen by the HOA would decrease the estimated annual energy production of the solar panels by more than 10%. This can be determined by using a modeling tool provided by the National Renewable Energy Laboratory, such as the PVWatts Calculator.

A related law (SB1626) allows developers to prohibit homeowners in residential subdivisions from installing solar panels on their homes during the development period only if the development consists of 50 or fewer units

TAKE ACTION

To help prospective solar homeowners to overcome HOA objections, Solar United Neighbors has created an **HOA Action Guide**. It gives practical step-by-step advice, resources, and success stories to make your HOA more solar-friendly.

<https://www.solarunitedneighbors.org/hoa-guide>



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