

# Solar Rights & Regulations

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The following resources provide an overview of regulations pertaining to solar for homeowners, local governments, and nonprofit utilities.

## *Homeowners*

**Texas House Bill (HB) 362:** The passage of HB-362 limited homeowners associations (HOAs) and property owners associations (POAs) from restricting solar devices outright. To comply with this law, homeowners that live in neighborhoods with HOAs must still follow the normal procedures for seeking improvements, including a written request or application to an appointed Architecture Review Committee or similar council. HB-362 amended Texas Property Code Section 202.010 as outlined below.

**Texas Property Code Section 202.010:** HOAs and POAs cannot prohibit or restrict a property owner from installing a solar energy device as defined by **Texas Tax Code Section 171.107**. However, the following exceptions do give HOAs the power 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, the homeowner can petition for an alternate location if he or she can prove that the alternate location would increase the estimated annual energy production of the solar panels by more than 10% by using a modelling tool provided by the National Renewable Energy Laboratory, such as the [PVWatts Calculator](#).

**Texas Senate Bill (SB) 1626:** The enactment of SB 1626 closed previous loopholes by allowing 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*.