



## Solar Installation in Homeowner Association

The following checklist is to assist in determining if a Solar Installation can be prohibited or forced to relocate in accordance with Texas House Bill Number 362.

A “Yes” answer simply means that an HOA or POA can bar the installation or require relocation.

Does/Is the Installation:

Conditions	Yes	No
Threatens Public health and Safety. Sec 202.010 (2)(d)(1)(A)		
Violates a Law. Sec 202.010 (2)(d)(1)(B)		
On property owned or maintained by associations. Sec. 202.010 (2)(d)(2)		
On property owned by common Property Owners of POA. Sec. 202.010 (2)(d)(3)		
Installed anywhere other than home roof or other approved structure or inside fenced yard or patio maintained by owner. Sec. 202.010 (2)(d)(4)(A)(B)		
Extends higher than the roof line. Sec 202.010 (2)(d)(5)(A)		
Not conforming to the slope of the roof line. Sec. 202.101 (2)(d)(5)(C)		
Frame, Piping or Wiring that are any color other than silver, bronze or black. Sec. 202.010 (2)(d)(5)(D)		
A ground mount system that is higher than the fence line. Sec. 202.010 (2)(d)(6)		
Install voids warranties. Sec. 202.010 (2)(d)(7)		
Installed without permission from POA where prior permission currently required. Sec 202.010 (2)(d)(8)		
Causes unreasonable discomfort or annoyance Sec. 202.010 (2)(e) Neighbors have signed letter		
POA’s suggested location will <u>not</u> decrease the system’s annual production by 10% or more from owner’s preferred install location. Sec. 202.010 (2)(d)(4)(A)		

If all answers are checked “No” then the installation cannot be prohibited in accordance with Texas House Bill 362. If “discomfort or annoyance” is a question, letters from neighbors resolves that question. (See sample)

\*Note that this is only applicable to homes/subdivisions that are not under control of the developer.

**Sample letter** to answer any “discomfort or annoyance” issue.

I understand that my neighbor, \_\_\_\_\_ (Name) at  
\_\_\_\_\_ (Address) is planning to install a Solar energy system on their  
property. I understand that, in accordance with Texas law, one of the determining  
factors in whether this installation is approved is that it does not cause any  
unreasonable discomfort or annoyance. [Sec. 202.010(2)(e)]

I have no problems with this solar installation and it does not cause my household any  
unreasonable discomfort or annoyance.

Signed,

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_

\_\_\_\_\_ (Date)