

Kenswick Homeowners' Association

REGULATION OF SOLAR ENERGY DEVICES

WHEREAS, Section 202.010 of the Texas Property Code provides for the regulation of solar energy devices by a property owners' association;

WHEREAS, the Board of Directors desires to amend its dedicatory instruments with the intent of regulating solar energy devices;

NOW, THEREFORE, BE IT RESOLVED THAT the following policy is hereby adopted by the Board of Directors.

I. DEFINITIONS

- "Solar energy device" has the meaning assigned by Section 171.107 of the Tax Code.

II. POLICY

1. A solar energy device shall not be permitted that:
 - a. as adjudicated by a court either threatens the public health or safety; or violates a law;
 - b. is located on property owned or maintained by the Association;
 - c. is located on property owned in common by the members of the Association;
 - d. is located in an area on the property owner's property other than:
 - i. on the roof of the home or of another structure allowed by the Association; or
 - ii. in a fenced yard or patio owned and maintained by the property owner;
 - e. if mounted on the roof of the home:
 - i. extends higher than or beyond the roofline;
 - ii. is located in an area other an area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the device if located in an area designated by the Association;
 - iii. does not conform to the slope of the roof and has top edge that is no parallel to the roofline; or
 - iv. has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;]
 - v. the weight of the device cannot be properly supported by the roof, unless proper steps are taken to support any extra weight caused by the solar energy device.
 - f. if located in a fenced yard or patio, is taller than the fence line;
 - g. as installed, voids material warranties; or
 - h. was installed without prior approval by the Modification's Committee
2. The Association shall not withhold approval of a solar energy device if it meets the provisions of this policy unless it determines in writing that

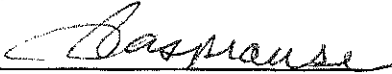
placement of the device as proposed by the owner or resident constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. For purposes of making this determination, the written approval of the proposed placement of the device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

This administrative resolution supersedes all previously adopted policies regarding solar energy devices by the Association.

Duly adopted at a meeting held by the Board of Directors of Kenswick Homeowners' Association this 12 day of December, 2011.

Effective Date: December 12, 2011

Signed:



Signature

Richard "Dick" Sprouse

Print Name

President, Board of Directors

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