

HARBOR LAKES HOMEOWNERS ASSOCIATION, INC.

SOLAR ENERGY DEVICE GUIDELINES

WHEREAS, the Texas Legislature passed House Bill 362 which amends Chapter 202 of the Texas Property Code by adding Section 202.010 which precludes associations from adopting or enforcing a complete prohibition on solar energy devices; and

WHEREAS, pursuant to Section 202.010 of the Texas Property Code, the Board of Directors of Harbor Lakes Homeowners Association, Inc. (the "Association") is permitted to adopt certain limitations on solar energy devices; and

WHEREAS, Article VIII, Section 15 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Harbor Lakes contains a restriction related to solar collector panels which is inconsistent with Section 202.010 of the Texas Property Code.

NOW, THEREFORE, IT IS RESOLVED, in order to comply with Section 202.010 of the Texas Property Code, the Board of Directors hereby repeals any and all prior restrictions on solar energy devices contained in any governing document of the Association which are inconsistent with the new law, and adopts the following guidelines to govern solar energy devices.


- A. An owner may not install a solar energy device that:
1. as adjudicated by a court:
 - a. threatens the public health or safety; or
 - b. violates a law;
 2. is located on property owned or maintained by the Association;
 3. is located on property owned in common by the members of the Association;
 4. is located in an area on the owner's property other than:
 - a. on the roof of the home or of another structure allowed under a dedicatory instrument; or
 - b. in a fenced yard or patio owned and maintained by the owner;
 5. if mounted on the roof of the home:
 - a. extends higher than or beyond the roofline;
 - b. is located in an area other than 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;
- c. does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
 - d. 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;
- 6. if located in a fenced yard or patio, is taller than the fence line;
 - 7. as installed, voids material warranties; or
 - 8. was installed without prior approval by the Association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.
- B. The definitions contained in the Association's dedicatory instruments are hereby incorporated herein by reference.

IT IS FURTHER RESOLVED that these Solar Energy Device Guidelines are effective upon adoption hereof, to remain in force and effect until revoked, modified or amended.

This is to certify that the foregoing resolution was adopted by the Board of Directors at a meeting of same on 11-30-11, and has not been modified, rescinded or revoked.

DATE: 11-30-11


Secretary