

**GUIDELINES RELATING TO SOLAR ENERGY DEVICES AND  
STORM AND ENERGY EFFICIENT SHINGLES**  
*for*  
**DAVIS SPRING RESIDENTIAL PROPERTY OWNERS' ASSOCIATION, INC.**

STATE OF TEXAS           §  
  §  
COUNTY OF WILLIAMSON§

I, DAN HARRISON, Secretary of Davis Spring Residential Property Owners' Association, Inc. (the "**Association**"), do hereby certify that at a meeting of the Board of Directors of the Association (the "**Board**") duly called and held on the 17 day of JANUARY, 2017, with at least a quorum of the Board being present and remaining throughout, and being duly authorized to transact business, the following Guidelines Relating to Solar Energy Devices and Storm and Energy Efficient Shingles (these "**Guidelines**") were duly approved by a majority vote of the members of the Board in attendance:

**RECITALS:**

1. Chapter 202 of the Texas Property Code was amended to add sections relating to solar energy devices and storm and energy efficient shingles.
2. The Board desires to adopt guidelines relating to solar energy devices and storm and energy efficient shingles consistent with the applicable provisions in Chapter 202 of the Texas Property Code.

**WITNESSETH:**

**Section 1. Definitions.** Capitalized terms used in this Policy have the following meanings:

- 1.01. **Architectural Review Committee or ARC** – The Architectural Review Committee of the Association as established by the Declaration.
- 1.02. **Association** – Davis Spring Residential Property Owners' Association, Inc., a Texas non-profit corporation.
- 1.03. **Declaration** – The instrument entitled "Davis Spring Residential Property Master Declaration of Covenants, Conditions, and Restrictions" recorded in the Official Public Records of Real Property of Williamson County, Texas in Volume 2560, Page 923, *et seq.*, as amended and supplemented.
- 1.04. **Dedictory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within Davis Spring, as more particularly defined in Section 202.001 of the Texas Property Code.
- 1.05. **Dwelling** – A single family residential dwelling situated on a Lot.

- 1.06. Guidelines** - These Guidelines Relating to Solar Energy Devices and Storm and Energy Efficient Shingles for Davis Spring Residential Property Owners' Association, Inc.
- 1.07. Subdivision** - The subdivision in Williamson County, Texas, as more particularly described in the Management Certificate for the Association recorded in the Official Public Records of Real Property of Williamson County, Texas under Clerk's File Nos. 2009068857 and 2010003290.

Other capitalized terms used in this Policy, but not defined in this Section 1, have the same meanings as that ascribed to them in the Declaration.

**Section 2. Solar Energy Devices.** Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

The following guidelines are applicable to solar energy devices in the Subdivision:

- 2.1. ARC Approval.** The installation of a solar energy device requires the prior written approval of the ARC. Provided that, the ARC may not withhold approval if these Guidelines are met or exceeded, unless the ARC determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of property adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.
- 2.2. Location.** A solar energy device is not permitted anywhere on a Lot except on the roof of the Dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.
- 2.3. Devices Mounted on a Roof.** A solar energy device mounted on the roof of the Dwelling or other permitted structure on a Lot:
- a. may not extend higher than or beyond the roofline;
  - b. must conform to the slope of the roof and have a top edge that is parallel to the roofline;
  - c. must have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
  - d. must be located on the roof as designated by the ARC and may not be visible from a street in front of the Dwelling unless an alternate location increases the

estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ARC. For determining estimated annual energy production, the parties must use a publicly available modeling tool provided by the National Renewable Energy Laboratory.

- 2.4. **Visibility.** A solar energy device located in a fenced yard or patio may not be taller than or extend above the fence enclosing the yard or patio.
- 2.5. **Warranties.** A solar energy device may not be installed on a Lot in a manner that voids material warranties.
- 2.6. **Limitations.** A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

**Section 3. Storm and Energy Efficient Shingles.** Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner who is otherwise authorized to install shingles on the roof of the Owner's property from installing shingles that:

- a. are designed to:
    - (i) be wind and hail resistant;
    - (ii) provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
    - (iii) provide solar generation capabilities; and
  - b. when installed:
    - (i) resemble the shingles used or otherwise authorized for use on property in the subdivision;
    - (ii) are more durable than and are of equal or superior quality to the shingles described below; and
    - (iii) match the aesthetics of the property surrounding the Owner's property.
- 3.1. **ARC Approval.** In order to confirm the proposed shingles conform to the foregoing guidelines, Owners are encouraged to apply to the ARC for prior approval. The Association may require an Owner to remove shingles that do not comply with these guidelines.
  - 3.2. **Regulations.** When installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in the Subdivision. In addition, the storm or energy efficient shingles must match the aesthetics of the Lots surrounding the Lot in question.

In the event of a conflict between a provision in the Declaration and a provision in these Guidelines that is based upon applicable law, the provision in these Guidelines controls.

