

# BOCA RATON HOMEOWNERS' ASSOCIATION, INC.

## RESOLUTION AND POLICY REGARDING THE INSTALLATION OF SOLAR DEVICES AND ROOFING MATERIALS

THE STATE OF TEXAS                   §  
  §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF GALVESTON           §

**WHEREAS**, BOCA RATON HOMEOWNERS' ASSOCIATION, INC. (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

**WHEREAS**, any reference made herein to approval by the Architectural Control Committee (ACC), means prior written approval by the ACC;

**WHEREAS**, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines;

**WHEREAS**, Article III, Section 2 Architectural Control, and Article IV, Section 1 Approval of Building Plans of the Declarations, state in substance that no building shall be altered on any Lot until construction plans and specifications have been approved by the ACC; and,

**WHEREAS**, the Board of Directors (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation and maintenance of Solar Power Devices therein, it is appropriate for the Association to adopt guidelines regarding these systems.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following Guidelines and Policy are adopted by the Board of Directors.

### **I. GUIDELINES & POLICY**

#### **1. Prohibited Solar Panels**

Solar Panels, as referred to herein, shall be defined as set forth in Section 202.010 of the Texas Property Code, and the Texas Tax Code §171.107. Solar Panels are prohibited in the following circumstances:

- a. It has been adjudicated by a court that the Solar Panels are a threat to public health or safety, or violate a law;
- b. Solar Panels located on property owned or maintained by the Association unless said solar panels are installed and maintained by the Association;

- c. Solar Panels that are located on property that is owned in common by the members, unless said solar panels are installed and maintained by the Association;
- d. Solar Panels that are located on the owner's property, other than:
  - (1) On the roof of the dwelling or another permitted structure;
  - (2) In a fenced yard or patio owned and maintained by the owner;
- e. Roof-mounted Solar Panels that extend higher than or beyond the roofline;
- f. Subject to Item g below, if roof mounted, is mounted in an area other than the back of the home;
- g. Roof-mounted Solar Panels that are located in an area other than an area designated by the Association, unless the alternate location increases the estimated annual energy production by more than 10% above the area designated by the Association (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory);
- h. Roof-mounted Solar Panels that do not conform to the slope of the roof and have a top edge that is not parallel to the roofline;
- i. Roof-mounted Solar Panels having frames, support brackets, or visible piping or wiring containing color other than silver, bronze, or black tones;
- j. Solar Panels located in a fenced yard or patio that are taller than the fence;
- k. Solar Panels that, as installed, void material warranties; and
- l. Solar Panels that were installed without prior approval by the Association or ACC.

If the proposed Solar Panels do not fall within one of the above-prohibited categories, the Association or ACC may not withhold approval of the installation of Solar Panels unless the Association or ACC determines in writing that placement of the Solar Panels, as proposed by the owner, constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to a person of ordinary sensibilities. The written approval of the owner's proposed location by all owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

## 2. Permitted Roofing Materials

Pursuant to Texas Property Code §202.011, the installation of the following roofing materials is permitted:

- (1) Wind or hail resistant roofing materials;
- (2) Materials that provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
- (3) Materials that provide solar generation capabilities.

The above-enumerated acceptable materials, when installed, must:

- (1) Resemble the shingles used or otherwise are authorized for use within the subdivision;
- (2) Be more durable than, and are of equal or superior quality to, the shingles authorized for use within the subdivision; and
- (3) Match the aesthetics of the property surrounding the owner's property.

## II. ACC APPROVAL

Applicant's submission of plans must include a completed application for ACC review, a site plan and/or roof plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to the roof or house color, the visibility from public streets and neighboring properties/common areas and any noise created and/or light reflected are of specific concern to the Association and the ACC.

Any installation not in compliance with the Policy will be considered a deed restriction violation.


This Solar Devices and Roofing Materials Policy does not apply to property that is owned or maintained by the Association.

These guidelines are effective upon recordation in the Public Records of Galveston County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section §202.007 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

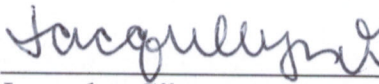
I certify that, as President of the Boca Raton Homeowners Association, Inc., the foregoing Solar Devices and Roofing Materials Policy was duly approved and adopted at a meeting held by the Board of Directors of the Association this 10<sup>th</sup> day of December, 2019.

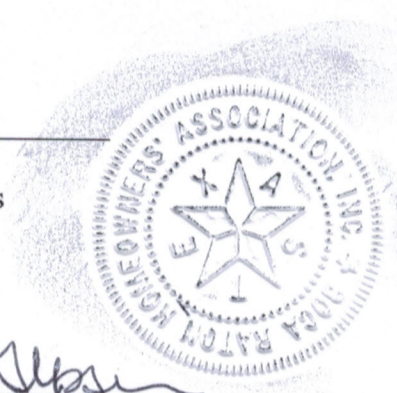
Effective Date: 11 December, 2019.

Signed:

  
\_\_\_\_\_  
Curt Roberts  
President, Board of Directors

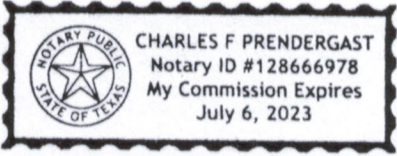
Attest:

  
\_\_\_\_\_  
Jacquelyn Gibson  
Secretary, Board of Directors



THE STATE OF TEXAS           §  
   §  
COUNTY OF GALVESTON       §

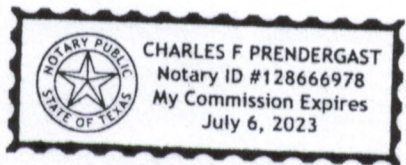
THIS INSTRUMENT was **acknowledged** before me on this the 10<sup>th</sup> day of December, 2019, by Curt Roberts, President of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



*Charles F Prendergast*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

THE STATE OF TEXAS           §  
   §  
COUNTY GALVESTON       §

THIS INSTRUMENT was **acknowledged** before me on this the 10<sup>th</sup> day of December, 2019, by Jacquelyn Gibson, Secretary of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



*Charles F Prendergast*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**FILED AND RECORDED**

Instrument Number: 2019068149

Recording Fee: 38.00

Number Of Pages:5

Filing and Recording Date: 12/11/2019 3:13PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



*Dwight D. Sullivan*

**Dwight D. Sullivan**, County Clerk  
Galveston County, Texas

**DO NOT DESTROY** - *Warning, this document is part of the Official Public Record.*