

HB 4455 by Rep. DeAyla, relating to the regulation by a property owner's association of the installation of solar energy devices and certain roofing materials on the property.

1. HB 4455 Explained

❖ Under current law, §202.010, Texas Property Code, outlines the powers afforded to or withheld from homeowners' associations (HOAs or similar entities). Currently, HOAs may specifically designate where homeowners may install solar panels unless the homeowner can prove that an alternate location for the panels would produce 10% more energy than the HOA-designated location. HB 4455 provides homeowners with less choice in the placement of their solar panels and restricts their ability to maximize energy production on their property. HB 4455 would raise the requirement for the homeowner-proposed location to require not 10% more, but 25% more energy than would be generated at the HOA-designated location.

2. How would HB 4455 Impact Homeowners

- ❖ HB 4455 would limit homeowner's freedoms to use their property in the manner they choose. At the same time, HB 4455 limits national objectives of energy independence and energy resiliency.
- ❖ In Texas, homeowners associations have limited authority to restrict the placement of solar panels. This bill would provide HOAs with a broader ability to restrict solar. In a time where the adoption of widespread distributed rooftop solar is a necessity to hasten the energy transition, mitigate environmental externalities and diversify the ERCOT grid, HB 4455 would deter those objectives.
- ❖ Hindering rooftop solar adoption can have secondary effects. For example, the presence of solar panels have been found to have a positive effect on the valuation of homes. Further, solar reduces reliance on air polluting combustion, and reduces the stress on transmission lines, resulting in lower utility costs for the entire community. HB 4455 would reduce the positive impacts of solar.
- ❖ Traditional opposition to solar has been overstated. Firecodes have been amended to ensure that solar panel placements pose little risk of catching fire, glare has been shown to be significantly less than glare posed by windows, and as the solar industry has developed, new designs have been created to fit the aesthetic objectives of HOAs.

1 DeAyala, Mano. "HB 4455." Texas Legislature Online, March 21, 2023.

<https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB4455>.

2 "HOA SOLAR ACTION GUIDE." Solar United Neighbors. Accessed March 30, 2023.

https://www.solarunitedneighbors.org/wp-content/uploads/2019/01/SUN_HOA-Guide_FINAL.pdf.
