

**LEISURE VALLEY HOMEOWNERS, INC.**  
**STANDBY ELECTRIC GENERATOR POLICY**

Note: Texas statutes presently render null and void any restriction in the Covenant which prohibits the installation of a standby Electric Generator on a residential lot. The Board and/or the architectural approval authority under the Covenant has adopted this policy in place of any express prohibition against standby generators or any provision regulating such matters which conflict with Texas law, as outlined in the Covenant

**A. Definitions and General Provisions**

**LVR requirements for standby electric generators in alignment with Sec. 202.019 of Texas Property code:**

(a) In this section, "standby electric generator" means a device that converts mechanical energy to electrical energy and is:

(1) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen.

(2) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure.

(3) connected to the main electrical panel of a residence by a manual or automatic transfer switch; and

(4) rated for a generating capacity of not less than seven kilowatts.

(b) Except as provided by this section, a property owners' association may not adopt or enforce a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting an owner from owning, operating, installing, or maintaining a permanently installed standby electric generator.

(c) A property owners' association may adopt or enforce specific dedicatory instruments to regulate the operation and installation of standby electric generators. Accordingly, The LVR ACC will require adherence to the following requirements to approve the installation of standby electric generators:

(1) a standby electric generator must be installed and maintained in compliance with:

(A) the manufacturer's specifications; and

(B) applicable governmental health, safety, electrical, and building codes.

(2) all electrical, plumbing, and fuel line connections to be installed only by licensed contractors.

(3) all electrical connections to be installed in accordance with applicable governmental health, safety, electrical, and building codes.

(4) all-natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections to be installed in accordance with applicable governmental health, safety, electrical, and building codes.

(5) all liquefied petroleum gas fuel line connections to be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes.

(6) nonintegral standby electric generator fuel tanks to be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.

(7) the standby electric generator and its electrical lines and fuel lines to be maintained in good condition.

(8) requires the repair, replacement, or removal of any deteriorated or unsafe component of a standby electric generator, including electrical or fuel lines.

(9) The owner must screen a standby electric generator and its accompanying fuel storage containers if the standby electric generator is:

(A) visible from the street faced by the dwelling.

(B) located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the property owners' association; or

(C) located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the property owners' association.

**(D) LVR ACC will consider exemptions to this requirement as long as the generator itself does not detract from the appearance of the neighborhood; impact value of surrounding properties and have the approval of neighbors impacted by not requiring screening. This exemption does not exempt the portion requiring screening of accompanying fuel storage containers**

(10) The LVR ACC must approve reasonable times, consistent with the manufacturer's recommendations, for the periodic testing of a standby electric generator.

(11) Standby Electric Generators are prohibited from use to generate all or substantially all of the electrical power to a residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence.

(12) LVR ACC requires that the standby generator be installed at the rear of the dwelling unless it is cost prohibited as defined in subsection (e) (1).

(13) a standby generator cannot be placed on property:

(A) owned or maintained by the LVR owners' association;  
or

(B) owned in common by LVR property owners and association members.

(d) LVR ACC will reasonably apply all provisions contained in Subsection (c)

(e) AS stated in (c) (12) LVR ACC requires the standby generator to be placed at the rear of the dwelling unless:

(1) it increases the cost of installing the standby electric generator by more than 10 percent; or

(2) it increases the cost of installing and connecting the electrical and fuel lines for the standby electric generator by more than 20 percent.

(f) LVR ACC requires that the installation of a standby electric generator be approved before installation. This approval may not be withheld if the proposed installation meets or exceeds the dedicatory instrument provisions permitted by Subsection (c).

(g) If a dedicatory instrument provision requires an owner to submit an application for approval of improvements located exterior to a residence, this section does not negate the requirement, but the information required to be submitted as part of the application for the installation of a standby electric generator may not be greater or more detailed than the application for any other improvement.

(h) In a hearing, action, or proceeding to determine whether a proposed or installed standby electric generator complies with the requirements of a dedicatory instrument provision permitted by Subsection (c), the party asserting noncompliance bears the burden of proof.