

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 355, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3 "442.013. 1. As used in this section, the following terms shall mean:

4 (1) "Homeowners' association", the association of a planned community, including but not
5 limited to a nonprofit corporation or unincorporated association of homeowners in a planned
6 community, existing under a recorded declaration of such planned community;

7 (2) "Person", a natural individual, corporation, partnership, trustee, or other legal entity
8 capable of holding title to real property;

9 (3) "Planned community", real property with respect to which a person, by virtue of the
10 person's ownership, is obligated to pay real property taxes, insurance premiums, maintenance, or
11 improvement of common ground or other real property described in a recorded declaration. A
12 planned community shall not include a condominium as defined in section 448.1-103 or a
13 cooperative;

14 (4) "Solar collector":

15 (a) An assembly, structure, or design, including passive elements, used for gathering,
16 concentrating, or absorbing direct or indirect solar energy, specially designed for holding a
17 substantial amount of useful thermal energy to a gas, solid, or liquid or to use that energy directly;

18 (b) A mechanism that absorbs solar energy and converts it into electricity;

19 (c) A mechanism or process used for gathering solar energy through wind or thermal
20 gradients; or

21 (d) A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it
22 into electricity;

23 (5) "Solar energy", radiant energy received from the sun at wave lengths suitable for heat
24 transfer, photosynthetic use, or photovoltaic use;

25 (6) "Solar energy system":

26 (a) A complete assembly, structure, or design of a solar collector, or a solar storage
27 mechanism, which uses solar energy for generating electricity or for heating or cooling gases,
28 solids, liquids, or other materials; and

29 (b) The design, materials, or elements of a system and its maintenance, operation, and labor
30 components, and the necessary components if any, of the supplemental conventional energy systems
31 designed or constructed to interface with a solar energy system;

Action Taken _____ Date _____

1 (7) "Solar storage mechanism", equipment or elements that are utilized for storing solar
2 energy and gathered by a solar collector for subsequent use, such as piping and transfer
3 mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or a
4 combination thereof.

5 2. Any restriction contained in a recorded declaration of a planned community, or any rule
6 or regulation promulgated by a homeowners' association which prohibits, or has the effect of
7 prohibiting, the installation of a solar energy system is enforceable only to the extent that the solar
8 energy system:

9 (1) Shall not threaten the public health or safety, or violate any provision of law;

10 (2) Shall not be located on real property owned or maintained by the homeowners'
11 association, or in common by members of the homeowners' association;

12 (3) Shall not be located in the front yard of the home;

13 (4) Shall meet applicable standards and requirements imposed by state and local permitting
14 authorities; and

15 (5) Shall, if mounted on the roof of the home:

16 (a) Not extend beyond the roofline;

17 (b) Be parallel to the slope of the roof; and

18 (c) Have a top edge parallel to the roofline.

19 3. The architectural covenants of a recorded declaration of the planned community shall
20 apply to solar energy systems.

21 4. No solar energy systems shall be installed without the homeowner seeking to install a
22 solar energy system providing notification to the homeowner's respective homeowners' association,
23 and providing an architectural plan of such planned solar energy system installation to the
24 homeowners' association. Upon receiving such notification and architectural plan, the homeowners'
25 association shall review the plan and shall notify the homeowner seeking to install the solar energy
26 system within thirty calendar days if such system is in compliance with the provisions of
27 subdivision (5) of subsection 2 of this section. If such system is in compliance with the provisions
28 of subdivision (5) of subsection 2 of this section, the homeowners' association shall grant written
29 approval to the homeowner. If such system is not in compliance with the provisions of subdivision
30 (5) of subsection 2 of this section, the homeowners' association may deny the homeowner the
31 authority to install such system and shall notify the homeowner of such denial in writing. If a
32 homeowners' association denies the installation of such solar energy system, the homeowner may
33 collect signatures of homeowners belonging to the homeowners' association by petition. If the
34 homeowner collects a majority of signatures of homeowners belonging to the homeowners'
35 association, the homeowner may submit such petition to the homeowners' association which shall
36 constitute approval to install such solar energy system.

37 5. In any judicial proceeding arising under this section, the prevailing party, whether
38 prosecuting or defending such claim, shall be entitled to recover reasonable attorney fees and
39 costs."; and

40 Further amend said bill by amending the title, enacting clause, and intersectional references
41 accordingly.