

HB 231 -- HOMEOWNERS' SOLAR RIGHTS ACT

SPONSOR: McNeil

This bill establishes the Homeowners' Solar Rights Act. In its main provisions, the bill:

(1) Prohibits the adoption of a bylaw or the exercise of any power by a homeowners' association, common interest community association, or condominium unit owners' association that prohibits or has the effect of prohibiting the installation of a solar energy system. No deed restrictions, covenants, or similar binding agreement running with the land can prohibit the installation of a system on a building that is subject to these associations. The placement of a solar system may be regulated according to criteria specified in the bill. Each association must adopt an energy policy statement regarding the location, design, and architectural requirements of a system within 120 days upon the request for a statement or an application from an association member. Whenever approval is required for the installation or use of a system, the application for approval must be processed by the appropriate approving entity of the association within 90 days after the submission of the application;

(2) Requires a solar energy system to meet applicable state and local standards and requirements;

(3) Specifies that any entity, other than a public entity, that willfully violates the provisions of the bill will be liable to the applicant for the actual and other consequential damages. In any litigation arising under these provisions, the prevailing party must be entitled to costs and reasonable attorney fees; and

(4) Specifies that these provisions do not apply to any building that is greater than 30 feet in height.