

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 1754, Page 1, Section A, Line 2, by inserting after all of said section and  
2 line the following:

3  
4 "442.011. 1. This section shall be known and may be cited as the "Homeowners' Solar  
5 Rights Act".

6 2. As used in this section, the following terms shall mean:

7 (1) "Solar collector":

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

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

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

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

17 (2) "Solar energy", radiant energy received from the sun at wavelengths suitable for heat  
18 transfer, photosynthetic use, or photovoltaic use;

19 (3) "Solar energy system":

20 (a) A complete assembly, structure, or design of a solar collector or a solar storage  
21 mechanism that uses solar energy for generating electricity or for heating or cooling gases, solids,  
22 liquids, or other materials; and

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

26 (4) "Solar storage mechanism", equipment or elements, such as piping and transfer  
27 mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or  
28 combinations thereof, that are utilized for storing solar energy or are gathered by a solar collector  
29 for subsequent use.

30 3. Notwithstanding any provision of this section or other provision of law, the adoption of a  
31 bylaw or exercise of any power by the governing entity of a homeowners' association, common  
32 interest community association, or condominium unit owners' association that prohibits or has the  
33 effect of prohibiting the installation of a solar energy system is expressly prohibited.

34 4. No deed restrictions, covenants, or similar binding agreements running with the land shall  
35 prohibit or have the effect of prohibiting a solar energy system from being installed on a building  
36 erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements, if the

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 building is subject to a homeowners' association, common interest community association, or  
2 condominium unit owners' association. A property owner shall not be denied permission to install a  
3 solar energy system by any entity granted the power or right in any deed restriction, covenant, or  
4 similar binding agreement to approve, forbid, control, or direct alteration of property. However, for  
5 purposes of this section, the entity may determine the specific location where a solar energy system  
6 may be installed on the roof with an orientation to the south or within forty-five degrees east or west  
7 of due south, provided that the determination does not impair the effective operation of the solar  
8 energy system. Each homeowners' association, common interest community association, or  
9 condominium unit owners' association shall adopt an energy policy statement regarding the location,  
10 design, and architectural requirements of solar energy systems within one hundred twenty days after  
11 an association receives a request for a policy statement or an application from an association  
12 member. An association shall disclose, upon request, its energy policy statement and shall include  
13 the statement in its homeowners' common interest community or condominium unit owners'  
14 association declaration.

15 5. A solar energy system shall meet applicable standards and requirements imposed by state  
16 and local permitting authorities.

17 6. If approval is required for the installation or use of a solar energy system, the application  
18 for approval shall be processed by the appropriate approving entity of the association within ninety  
19 days after the submission of the application. However, if an application is submitted before an  
20 energy policy statement is adopted by an association, the ninety-day period shall not begin to run  
21 until the date that the policy is adopted.

22 7. Any entity, other than a public entity, that willfully violates this section shall be liable to  
23 the applicant for actual damages occasioned thereby and for any other consequential damages. Any  
24 entity that complies with the requirements of this section shall not be liable to any other resident or  
25 third party for such compliance.

26 8. In any litigation arising under this section, the prevailing party shall be entitled to costs  
27 and reasonable attorney's fees.

28 9. This section shall not apply to any building that is greater than thirty feet in height."; and  
29

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