



Rep. Sara Feigenholtz

**Filed: 5/24/2007**

09500SB0526ham001

LRB095 03704 AJ0 36769 a

1 AMENDMENT TO SENATE BILL 526

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 526 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Homeowners' Solar Rights Act.

6 Section 5. Legislative intent. The legislative intent in  
7 enacting this Act is to protect the public health, safety, and  
8 welfare by encouraging the development and use of renewable  
9 resources in order to conserve and protect the value of land,  
10 buildings, and resources by preventing the adoption of measures  
11 which will have the ultimate effect, however unintended, of  
12 increasing the costs of owning and operating commercial or  
13 residential property beyond the capacity of private owners to  
14 maintain.

15 Section 10. Associations; prohibitions. Notwithstanding

1 any provision of this Act or other provision of law, the  
2 adoption of a bylaw or exercise of any power by the governing  
3 entity of a homeowners' association, property owners'  
4 association, or condominium unit owners' association which  
5 prohibits or has the effect of prohibiting the installation of  
6 a solar energy system or other energy device based on a  
7 renewable resource is expressly prohibited.

8 Section 15. Deed restrictions; covenants. No deed  
9 restrictions, covenants, or similar binding agreements running  
10 with the land shall prohibit or have the effect of prohibiting  
11 a solar energy system or other energy device based on a  
12 renewable resource from being installed on a building erected  
13 on a lot or parcel covered by the deed restrictions, covenants,  
14 or binding agreements. A property owner may not be denied  
15 permission to install a solar energy system or other energy  
16 device based on a renewable resource by any entity granted the  
17 power or right in any deed restriction, covenant, or similar  
18 binding agreement to approve, forbid, control, or direct  
19 alteration of property. However, for purposes of this Act, the  
20 entity may determine the specific location where a solar energy  
21 system or other energy device may be installed on the roof  
22 within an orientation to the south or within 45 degrees east or  
23 west of due south provided that the determination does not  
24 impair the effective operation of the solar energy system or  
25 other energy device. Each homeowners' association and

1 condominium unit owners' association shall adopt an energy  
2 policy statement regarding the location, design, and  
3 architectural requirements of solar energy systems or other  
4 energy devices. An association shall disclose, upon request,  
5 its energy policy statement and shall include the statement in  
6 its homeowners' or condominium unit owners' association  
7 declaration.

8 Section 20. Standards and requirements. A solar energy  
9 system or other energy device based on a renewable resource  
10 shall meet applicable standards and requirements imposed by  
11 State and local permitting authorities. A solar energy system  
12 shall be certified by the Solar Rating and Certification  
13 Corporation (SRCC) or another similar nationally recognized  
14 certification entity.

15 Section 25. Application for approval. Whenever approval is  
16 required for the installation or use of a solar energy system  
17 or other energy device, the application for approval shall be  
18 processed and approved by the appropriate approving entity in  
19 the same manner as an application for approval of an  
20 architectural modification to the property, and the  
21 application shall not be willfully avoided or delayed.

22 Section 30. Violations. Any entity, other than a public  
23 entity, that willfully violates this Act shall be liable to the

1 applicant or any other party affected by a willful violation of  
2 this Act for actual damages occasioned thereby and for any  
3 other consequential damages. Any entity that complies with the  
4 requirements of this Act shall not be liable to any other  
5 resident or third party for such compliance.

6 Section 35. Costs; attorney's fees. In any litigation  
7 arising under this Act, the prevailing party shall be entitled  
8 to costs and reasonable attorney's fees.

9 Section 40. Inapplicability. This Act shall not apply to  
10 any building which is greater than 30 feet in height.".