



SPONSOR: Rep. K. Williams

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 65

AMEND House Bill No. 65 on line 14 by inserting “or ground” after “roof” and before “mounted”.

FURTHER AMEND House Bill No. 65 on lines 18 through 19 by deleting “solar energy systems” and inserting in lieu thereof “a roof or ground mounted system for obtaining solar energy”.

FURTHER AMEND House Bill No. 65 on line 21 by inserting “or ground” after “roof” and before “mounted”.

FURTHER AMEND House Bill No. 65 by deleting lines 26 through 32 in their entirety and inserting in lieu thereof the following:

“(e)(1)a. For purposes of this section, a property owner’s vote under this subsection may be expressed as follows:

1. An in-person vote at a meeting.

2. A proxy vote if the governing document or law permit proxy voting.

3. Voting electronically from a source known to a maintenance corporation or homeowner’s association governing the property owner’s property, including an e-mail address registered with the maintenance corporation or homeowner’s association.

4. Voting by electronic voting software selected by the maintenance corporation or homeowner’s association.

5. Signing a petition for calling for an amendment under this subsection.

6. Signing an amendment to the governing document.

b. For purposes of this paragraph (e)(1) of this section, a signature may be in ink or electronic.

c. For purposes of this paragraph (e)(1) of this section, an entity or trust owning a property may designate a person to vote for the entity or trust.

(2) Any covenants, restrictions, or conditions contained in a deed or declaration, including a declaration under the Unit Property Act [§ 2201 et seq. of this title], for residential property which does not explicitly include a mechanism to amend the document, may ~~hereafter~~ be amended by a vote requiring the affirmative vote of 2/3 of the property owners.

(3) Covenants, restrictions, or conditions contained in a deed or declaration, including a declaration under the Unit Property Act [§ 2201 et seq. of this title], for residential property that ~~prohibit or restrict~~ impose a reasonable restriction permitted under subsection (c) of this section on the installation of ~~rooftop~~ roof or ground-mounted solar systems may be amended to allow or promote installation of ~~rooftop~~ roof or ground-mounted solar systems by an affirmative vote of ~~2/3~~ a majority of the property owners.”.

FURTHER AMEND House Bill No. 65 on line 33 by deleting “(f)” and inserting in lieu thereof “(f)”.

FURTHER AMEND House Bill No. 65 on line 39 by inserting after “~~reasonable restriction.~~” the following:

“(1)a. An owner of property may install a roof or ground mounted system for obtaining solar energy on that owner’s property if, no later than 60 days before installing the system, the owner sends notice that the owner intends to install the system to the following:

1. If the property is governed by a maintenance corporation or homeowner’s association, to the applicable maintenance corporation or homeowner’s association and to a neighboring property owner whose property is within 150 feet of the owner’s property line.

2. If the property is not governed by a maintenance corporation or homeowner’s association, to a neighboring property owner whose property is within 150 feet of the owner’s property line.

b. The owner shall send notice required by this paragraph (e)(1) of this section by certified mail, return receipt requested.

c. The notice must include the day of the proposed date of the installation of the system and the owner’s mailing address.

(2) A maintenance corporation, homeowner’s association, or neighboring property owner receiving notice required under paragraph (e)(1) of this section shall provide the owner of property with input or direction on the placement of the roof or ground mounted system for obtaining solar energy no later than 30 days before the owner’s proposed date of the installation of the system.

a.1. The input or direction provided by the maintenance corporation, homeowner’s association, or neighboring property owner on the placement of the roof or ground mounted system for obtaining solar energy must be consistent with a reasonable restriction imposed under subsection (c) of this section.

2. If the covenants, restrictions, or conditions governing the owner’s property do not impose a reasonable restriction on a roof or ground mounted system for obtaining solar energy, the input or direction provided by the maintenance corporation, homeowner’s association, or neighboring property owner on the placement of the system must be reasonable. For purposes of this paragraph (e)(2)a.2. of this section,

54 “reasonable” means input or direction that does not significantly increase the cost of the roof mounted system
55 for obtaining solar energy or significantly decrease the system’s efficiency or specified performance.

56 b. The maintenance corporation, homeowner’s association, or neighboring property owner shall provide
57 the input or direction required under paragraph (e)(2) of this section to the owner by certified mail, return receipt
58 requested, at the mailing address provide under paragraph (e)(1)b. of this section.

59 c. If the maintenance corporation, homeowner’s association, or neighboring property owner does not
60 provide the input or direction within the time required under this paragraph (e)(2) of this section, the owner may
61 install the system as planned.”.

SYNOPSIS

This Amendment does the following:

(1) Restores existing law provisions related to the vote required to amend a covenant, restriction, or condition contained in a deed or declaration both in general and as it relates to roof or ground mounted systems for obtaining solar energy.

(2) Modifies the vote required to amend a covenant, restriction, or condition contained in a deed or declaration and relating to roof or ground mounted systems for obtaining solar energy from a 2/3 vote to a majority vote of the property owners.

(3) Clarifies the acceptable methods of voting to amend a covenant, restriction, or condition contained in a deed or declaration.

(4) Clarifies that the owner of property has the right to install a roof or ground mounted system for obtaining solar energy on that owner’s property if, no later than 60 days before installing the system, the owner sends notice to the applicable maintenance corporation, homeowner’s association, or neighboring property owner that the owner intends to install the system.

(5) The maintenance corporation, homeowner’s association, or neighboring property owner must provide the owner with input or direction on the placement of the roof mounted system for obtaining solar energy no later than 30 days before the owner’s proposed date of the installation of the system.