



SPONSOR: Rep. K. Williams

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2  
TO  
HOUSE BILL NO. 65

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

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

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

6 1. An in-person vote at a meeting.

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

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

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

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

14 6. Signing an amendment to the governing document.

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

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

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

22 (3) Covenants, restrictions, or conditions contained in a deed or declaration, including a declaration under the  
23 Unit Property Act [§ 2201 et seq. of this title], for residential property that prohibit or restrict the installation of rooftop

24 ~~or~~ ground-mounted solar systems may be amended to allow or promote installation of ~~rooftop~~ or ground-mounted solar  
25 systems by an affirmative vote of ~~2/3~~ a majority of the property owners.

26 (4) Covenants, restrictions, or conditions contained in a deed or declaration, including a declaration under the  
27 Unit Property Act [§ 2201 et seq. of this title], for residential property that impose a reasonable restriction permitted  
28 under subsection (c) of this section on the installation of roof mounted solar systems may be amended to promote  
29 installation of roof mounted solar systems by an affirmative vote of a majority of the property owners.”.

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

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

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

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

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

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

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

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

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

51 2. If the covenants, restrictions, or conditions governing the owner’s property do not impose a  
52 reasonable restriction on a roof mounted system for obtaining solar energy, the input or direction provided by  
53 the maintenance corporation, homeowner’s association, or neighboring property owner on the placement of

54 the system must be reasonable. For purposes of this paragraph (f)(2)a.2. of this section, “reasonable” means  
55 input or direction that does not significantly increase the cost of the roof mounted system for obtaining solar  
56 energy or significantly decrease the system’s efficiency or specified performance.

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

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

#### SYNOPSIS

This Amendment does the following:

(1) Clarifies that the changes made by the Act are applicable only to roof mounted systems for obtaining solar energy.

(2) 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 mounted systems for obtaining solar energy.

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

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

(5) Clarifies that the owner of property has the right to install a roof 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.

(6) 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.