



SPONSOR: Sen. Peterson
Sens. Ennis, McDowell, Sokola & Bushweller,
Rep. D.E. Williams

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 316

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SOLAR PHOTOVOLTAIC SYSTEMS AND REAL PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

- 1 Section 1. Amend Section 318, Chapter 3, Title 25 of the Delaware Code by adding the following:
- 2 “(f) No covenant, restriction, or condition contained in a deed, contract, or other legal instrument which affects the transfer,
- 3 sale, or any other interest in real property, which is zoned for residential use and the lot or lots are one-half of an acre or
- 4 greater in size, that prohibits or unreasonably restricts the owner of the property from installing or using a ground mounted
- 5 system for obtaining solar energy on that owner’s property shall be allowed in any deed, contract or other legal instrument.
- 6 A covenant, restriction, or condition which requires that fencing, landscaping, or other appropriate means be used to shield
- 7 the system from view, so that it is not readily visible from adjacent streets shall be deemed to be a reasonable restriction.”

SYNOPSIS

This Bill would restrict the use of covenants, restrictions, and conditions in deeds, contracts and other legal instruments, which prohibit or unreasonably restrict the installation and use of ground mounted solar energy systems on land zoned residential, where the lots are one-half acre or greater in size.

Author: Senator Peterson