



# HOUSE BILL 842: Clarify Deed Restrictions/Solar Collectors.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	May 11, 2021
<b>Introduced by:</b>	Reps. Warren, Hanig, Penny, Carter	<b>Prepared by:</b>	Jennifer McGinnis Staff Attorney
<b>Analysis of:</b>	First Edition		

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**OVERVIEW:** *House Bill 842 would amend the law that generally limits deed restrictions, covenants, or similar binding agreements from prohibiting solar collectors on residential property, to eliminate certain exceptions which allow restrictions on solar collectors in certain circumstances.*

**CURRENT LAW:** Generally, deed restrictions, covenants, or similar binding agreements that run with the land may not prohibit solar collectors on residential property that gather solar energy as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or the generation of electricity.

Such restrictions and covenants are not prohibited, however, if:

- They do not have the effect of ***preventing the reasonable use*** of a solar collector for a residential property; or,
- They regulate the location of solar collectors that are visible by a person on the ground:
  - On the facade of a structure that faces areas open to common or public access;
  - On a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or
  - Within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade, and those areas of common or public access faced by the structure.

**BILL ANALYSIS:** House Bill 842 would further limit deed restrictions, covenants, or similar binding agreements from prohibiting solar collectors on residential property by:

- Eliminating authority for deed restrictions, covenants, etc., that do not have the effect of ***preventing the reasonable use*** of a solar collector, and, in lieu, authorizing only those restrictions and covenants that do not have the effect of ***reducing the operating efficiency of a solar collector*** for a residential property. The term "reducing the operating efficiency of a solar collector" is defined under the bill to mean "the regulation of the location or screening of the solar collector would decrease the efficiency or performance of the solar collector by more than ten percent (10%) of the amount that was originally specified for the solar collector."
- Eliminating authority for deed restrictions, covenants, etc., that regulate the location of solar collectors that are visible by a person on the ground.

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**EFFECTIVE DATE:** This bill would be effective when it becomes law and would apply to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.