



General Assembly

February Session, 2024

**Raised Bill No. 5168**

LCO No. 120



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

**AN ACT CONCERNING SOLAR INSTALLATIONS IN CONDOMINIUMS  
AND COOPERATIVES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-257 of the general statutes is amended by adding  
2 subsection (h) as follows (*Effective January 1, 2025*):

3 (NEW) (h) If any addition, alteration or improvement made by, or at  
4 the direction of, a unit owner results in an increase in common expenses,  
5 including, but not limited to, any cost of maintenance, repair or  
6 insurance, the amount of such increase shall be assessed solely against  
7 the unit owned by the unit owner who caused such addition, alteration  
8 or improvement to be made.

9 Sec. 2. (NEW) (*Effective January 1, 2025*) (a) For purposes of this  
10 section, "single-family detached unit" means a building in a common  
11 interest community that does not contain units divided by horizontal  
12 boundaries or vertical boundaries that are comprised by, or are located  
13 in, common walls between units.

14 (b) On and after January 1, 2025, any provision of a declaration or the

15 bylaws of an association that prohibits or unreasonably restricts the  
16 installation or use of a solar power generating system on the roof of a  
17 unit that is a single-family detached unit, or is otherwise in conflict with  
18 the provisions of this section, shall be unenforceable. In any common  
19 interest community where a unit is a parcel of land, this section shall  
20 apply to any single-family detached unit constructed on such unit. This  
21 section shall not apply to any unit that has vertical boundaries that are  
22 comprised by, or are located in, common walls between units.

23 (c) To obtain approval to install a solar power generating system  
24 under this section, the owner of a unit shall submit an application to the  
25 executive board of the association. The executive board shall (1)  
26 acknowledge, in writing to the unit owner, the receipt of any such  
27 application not later than thirty days after such receipt, and (2) process  
28 such application in the same manner as an application for an addition,  
29 alteration or improvement pursuant to the declaration or bylaws of the  
30 association. The approval or denial of such application shall be in  
31 writing and be issued to the unit owner not later than sixty days after  
32 the date of receipt of such application. Unless the executive board  
33 requests specific information from the unit owner concerning the  
34 proposed installation of a solar power generating system, the  
35 application shall be deemed approved if sixty days pass from the date  
36 of the executive board's receipt of the application and the executive  
37 board has not denied such application in writing. If a unit owner has  
38 complied with the provisions of this section, the executive board shall  
39 not unreasonably withhold approval of the unit owner's application.

40 (d) If a unit owner's application to install a solar power generating  
41 system is granted or deemed granted by the executive board, the unit  
42 owner shall enter into a written agreement with the association, which  
43 may be recorded on the land records in every town in which the  
44 common interest community is located, that requires the unit owner to:

45 (1) Comply with the provisions of the declaration or bylaws  
46 regarding an addition, alteration or improvement;

47 (2) Engage a registered and insured contractor to install the solar  
48 power generating system who shall, within fourteen days of the  
49 execution of the written agreement, (A) provide a certificate of insurance  
50 that demonstrates liability insurance coverage in an amount not less  
51 than one million dollars and names the association, the association's  
52 manager, if any, and the unit owner as insured parties, (B) provide  
53 evidence of workers' compensation insurance as may be required by  
54 law, and (C) submit to the association a mechanic's lien waiver in favor  
55 of the association for any work performed on behalf of such unit owner  
56 concerning the installation of such solar power generating system;

57 (3) Pay any cost associated with the installation of the solar power  
58 generating system, including, but not limited to, increased master policy  
59 premiums, attorney's fees incurred by the association, engineering fees,  
60 professional fees, permit fees and fees associated with applicable zoning  
61 compliance requirements;

62 (4) Indemnify the association, the unit owners of the association and  
63 the association's executive board, officers, directors and manager, as  
64 applicable, for (A) any damage or loss caused by the solar power  
65 generating system, or (B) any financial obligations concerning the solar  
66 power generating system; and

67 (5) Assume full responsibility for the maintenance, repair and  
68 replacement of the roof over the unit owner's unit at the unit owner's  
69 sole expense.

70 (e) Notwithstanding the provisions of subsections (a) to (d), inclusive,  
71 of this section, an association formed on or before January 1, 2025, may,  
72 by an affirmative vote of not less than seventy-five per cent of the  
73 association's board of directors, opt out of the provisions of said  
74 subsections regarding the installation of any solar power generating  
75 system, except that, on and after January 1, 2027, no association may opt  
76 out of the provisions of said subsections. Any association that opts out  
77 of the provisions of said subsections shall record on the land records of  
78 any municipality in which the real property of such association is

79 located a notice of such affirmative vote opting out of the provisions of  
80 said subdivisions not more than thirty days after such vote.

81 (f) The unit owner, or upon the sale or other disposition of the unit  
82 by such owner, any successive owner of the unit that acquires title to the  
83 unit and assumes the duties imposed by any agreement pursuant to  
84 subsection (d) of this section, shall be responsible for:

85 (1) Any cost to repair damage to the solar power generating system,  
86 common elements of the association or any unit in the association  
87 resulting from the installation, use, maintenance, repair, removal or  
88 replacement of the solar power generating system;

89 (2) Any cost for the maintenance, repair and replacement of the solar  
90 power generating system until such system has been removed;

91 (3) Any cost for the repair or restoration of the roof after the solar  
92 power generating system is removed;

93 (4) Any additional common expenses resulting from uninsured losses  
94 related to the solar power generating system pursuant to any master  
95 insurance policy held by the association of unit owners; and

96 (5) Disclosing to any prospective buyer of the unit (A) the existence  
97 of the solar power generating system, (B) the associated responsibilities  
98 of the unit owner under this section, (C) the existence of any agreement  
99 between the unit owner and the association concerning a solar power  
100 generating system, and (D) the requirement that the purchaser accepts  
101 the solar power generating system unless it is removed prior to the  
102 conveyance of the unit.

103 (g) A solar power generating system installed pursuant to this section  
104 shall meet all applicable health and safety standards and requirements  
105 under any state or federal law or local ordinance.

106 (h) An association may:

107 (1) Install a solar power generating system on any common elements

108 of the association for the use of all unit owners and develop appropriate  
109 rules for such use;

110 (2) Require that a unit owner remove any solar power generating  
111 system installed by the unit owner prior to the unit owner's sale of the  
112 unit unless the purchaser of the unit agrees to (A) take ownership of the  
113 solar power generating system, and (B) assume and be bound by any  
114 agreement between the unit owner and the association that indemnifies  
115 the association, the unit owners of the association and the association's  
116 executive board, officers, directors and manager, as applicable, for any  
117 damage or losses caused by the solar power generating system; and

118 (3) Assess a unit owner for any uninsured portion of a loss associated  
119 with a solar power generating system, whether resulting from a  
120 deductible or otherwise, regardless of whether the association submits  
121 an insurance claim.

122 (i) In any action by an association seeking to enforce compliance with  
123 this section, the prevailing party shall be awarded reasonable attorney's  
124 fees.

125 Sec. 3. Subsections (g) to (i), inclusive, of section 47-261b of the  
126 general statutes are repealed and the following is substituted in lieu  
127 thereof (*Effective January 1, 2025*):

128 [(g) In the case of a common interest community that is not a  
129 condominium or a cooperative, an association may not adopt or enforce  
130 any rules that would have the effect of prohibiting any unit owner from  
131 installing a solar power generating system on the roof of such owner's  
132 unit, provided such roof is not shared with any other unit owner. An  
133 association may adopt rules governing (1) the size and manner of  
134 affixing, installing or removing a solar power generating system; (2) the  
135 unit owner's responsibilities for periodic upkeep and maintenance of  
136 such solar power generating system; and (3) a prohibition on any unit  
137 owner installing a solar power generating system upon any common  
138 elements of the association.]

139     ~~[(h)] (g)~~ An association's internal business operating procedures need  
140 not be adopted as rules.

141     ~~[(i)] (h)~~ Each rule of the association shall be reasonable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2025</i>	47-257(h)
Sec. 2	<i>January 1, 2025</i>	New section
Sec. 3	<i>January 1, 2025</i>	47-261b(g) to (i)

**Statement of Purpose:**

To permit the installation of certain solar power generating systems that serve single-family detached units in common interest ownership communities.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*