

A BILL

22-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



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To provide that homeowners associations, condominium owners associations, and cooperative housing associations shall not prohibit an owner or member from installing or using a solar energy collection device on the owner’s or member’s property or residential unit, or on the roof of a property or residential unit that only covers one owner’s or member’s property or residential unit; provided, that homeowners associations, condominium owners associations, and cooperative housing associations may prohibit the installation or use of a solar energy collection device on the common elements, other than a roof that only covers one owner’s or member’s property or residential unit, and establish reasonable guidelines, other than aesthetic guidelines, on the installation or use of a solar energy collection device.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Solar Expansion for Cooperative Associations Act of 2018”.

Sec. 2. Limitation on authority of homeowners associations, condominium owners associations, and cooperative housing associations to prohibit the installation and use of solar energy collection devices.

(a) For the purposes of this section, the term:

(1) “Condominium owners association” means a unit owners’ association, as described in section 3 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42–1903.01).

(2) “Cooperative housing association” means an association, whether incorporated or unincorporated, organized for the purpose of owning and operating residential

32 real property, the shareholders or members of which, by reason of their ownership of a stock or
33 membership certificate, a proprietary lease or other evidence of membership, are entitled to
34 occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement.

35 (3) "Homeowners association" means a mandatory membership association of
36 owners of residential property created and formed pursuant to a recorded instrument including a
37 declaration of covenants, limitations, and conditions, which subjects property within the
38 homeowners association to certain restrictive covenants.

39 (4) "Solar energy collection device" means a system used to capture and use solar
40 energy, including passive heating panels or building components and solar photovoltaic
41 apparatus.

42 (b) A homeowners association, condominium owners association, or cooperative housing
43 association shall not prohibit an owner or member from installing or using a solar energy
44 collection device on the owner's or member's property or residential unit, or on a roof that only
45 covers one owner's or member's property or residential unit, regardless of whether the roof is
46 considered part of the common elements; provided, that a homeowners association,
47 condominium owners association, or cooperative housing association may:

48 (1) Prohibit the installation or use of a solar energy collection device on the
49 common elements of the association, other than a roof that only covers one owner's or member's
50 property or residential unit; and

51 (2) Establish reasonable guidelines, other than aesthetic guidelines, on the
52 installation and use of a solar energy collection device for the purpose of preventing nuisance to
53 other members of the association.

54 (c) Reasonable guidelines established under subsection (b)(2) of this section may provide
55 that an owner or member who installs or uses a solar energy collection device shall be financially
56 responsible for any maintenance or repair to the solar energy collection device, as well as any
57 damages caused by the installation or use of the solar energy collection device.

58 Sec. 3. Fiscal impact statement.

59 The Council adopts the fiscal impact statement in the committee report as the fiscal
60 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
61 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

62 Sec. 4. Effective date.

63 This act shall take effect following approval by the Mayor (or in the event of veto by the
64 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
65 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
66 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
67 Columbia Register.