

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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

(4) “Solar energy collection device” means a system used to capture and use solar energy, including a passive heating panel or building component and solar photovoltaic apparatus.

(b) A homeowners association, condominium owners association, or cooperative housing association 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 a roof that only covers one owner’s or member’s property or residential unit, regardless of whether the roof is considered part of the common elements; provided, that a homeowners association, condominium owners association, or cooperative housing association may:

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

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

(c) Reasonable guidelines established under subsection (b)(2) of this section may provide that an owner or member who installs or uses a solar energy collection device shall be financially responsible for any:

(1) Maintenance or repair to the solar energy collection device; and

(2) Damages caused by the installation or use of the solar energy collection device.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia