

# HOUSE BILL No. 1196

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 32-25.5-3.5.

**Synopsis:** Homeowners associations and solar power. Provides that, subject to certain specified exceptions, a homeowners association may not: (1) prohibit the owner of a dwelling unit from installing a solar energy system; (2) impose unreasonable limitations on the owner's ability to install or use a solar energy system; or (3) require the removal of a solar energy system that has been installed. Provides, however, that a homeowners association may require preapproval by the homeowners association of the location of a solar energy system and of the manner in which the solar energy system is installed. Applies only to rules, covenants, declarations of restrictions, and other governing documents adopted or amended by a homeowners association after June 30, 2022.

**Effective:** July 1, 2022.

---

---

## Speedy, Torr

---

---

January 6, 2022, read first time and referred to Committee on Judiciary.

---

---



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1196

A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 32-25.5-3.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]:  
4 **Chapter 3.5. Homeowners Association Restrictions on Solar**  
5 **Energy Systems**  
6 **Sec. 1. This chapter does not apply to:**  
7 (1) rules;  
8 (2) covenants;  
9 (3) declarations of restrictions; or  
10 (4) other governing documents;  
11 **of a homeowners association adopted or amended by the**  
12 **homeowners association before July 1, 2022.**  
13 **Sec. 2. As used in this chapter, "cost of installing a solar energy**  
14 **system" includes both the cost of labor and the cost of equipment.**  
15 **Sec. 3. As used in this chapter, "dwelling unit" has the meaning**  
16 **set forth in IC 32-31-5-3.**  
17 **Sec. 4. As used in this chapter, "solar energy system" means:**



- 1 (1) any solar collector or other solar energy device (such as a  
 2 solar thermal, a photovoltaic, or another solar energy system)  
 3 whose primary purpose is to provide for the collection,  
 4 storage, distribution, or use of solar energy for space heating  
 5 or cooling, for water heating, or to produce electricity; or  
 6 (2) any structural design feature of a building, the primary  
 7 purpose of which is to provide for the collection, storage,  
 8 distribution, or use of solar energy for space heating or  
 9 cooling, for water heating, or to produce electricity.

10 **Sec. 5. (a) Except as provided in subsection (b) and section 7 of**  
 11 **this chapter, a homeowners association may not:**

- 12 (1) prohibit the owner of a dwelling unit from installing a  
 13 solar energy system;  
 14 (2) impose unreasonable limitations on the owner's ability to  
 15 install or use a solar energy system; or  
 16 (3) require the removal of a solar energy system that has been  
 17 installed.

18 **(b) A homeowners association may require preapproval by the**  
 19 **homeowners association of:**

- 20 (1) the location of a solar energy system; and  
 21 (2) the manner in which a solar energy system is installed.

22 **Sec. 6. For purposes of section 5(a)(2) of this chapter,**  
 23 **unreasonable limitations on an owner's ability to install or use a**  
 24 **solar energy system include any restriction that:**

- 25 (1) inhibits the solar energy system from functioning at its  
 26 intended maximum efficiency; or  
 27 (2) increases the cost of installing the solar energy system to  
 28 an amount reasonably estimated to be more than ten percent  
 29 (10%) higher than the cost of installing the solar energy  
 30 system in the absence of the restriction.

31 **Sec. 7. A homeowners association may prohibit the installation**  
 32 **or use of a solar energy system or may require the removal of a**  
 33 **solar energy system that has been installed if any of the following**  
 34 **apply:**

- 35 (1) A court has found that the solar energy system threatens  
 36 public health or safety.  
 37 (2) A court has found that the solar energy system violates a  
 38 law.  
 39 (3) The solar energy system has been installed on property  
 40 owned or maintained by the homeowners association.  
 41 (4) The solar energy system has been installed on property  
 42 owned in common by the members of the homeowners



- 1 association.  
 2 (5) The solar energy system has been installed in a location  
 3 other than:  
 4 (A) the roof of:  
 5 (i) the dwelling unit of the owner installing the solar  
 6 energy system; or  
 7 (ii) another structure;  
 8 approved by the homeowners association; or  
 9 (B) a fenced yard or patio owned and maintained by the  
 10 owner of the dwelling unit.  
 11 (6) The solar energy system is installed on the roof of the  
 12 dwelling unit of the owner installing the solar energy system  
 13 and:  
 14 (A) extends above or beyond the roof of the dwelling unit  
 15 by more than six (6) inches;  
 16 (B) is installed other than in the roof location designated by  
 17 the homeowners association, unless installing the solar  
 18 energy system in the roof location designated by the  
 19 homeowners association:  
 20 (i) would increase the cost of installing the solar energy  
 21 system to an amount reasonably estimated to be more  
 22 than ten percent (10%) higher than the cost of installing  
 23 the solar energy system in a roof location other than the  
 24 roof location designated by the homeowners association;  
 25 or  
 26 (ii) would prevent the solar energy system from  
 27 functioning at its intended maximum efficiency;  
 28 and an alternative solar energy system affording  
 29 comparable cost and efficiency could not be installed in the  
 30 roof location designated by the homeowners association;  
 31 (C) does not conform to the slope of the roof and has a top  
 32 edge that is not parallel to the roof line; or  
 33 (D) has a frame, support bracket, or visible piping or  
 34 wiring that is not in a silver, bronze, or black tone  
 35 commonly available in the marketplace.  
 36 (7) The solar energy system is installed on a roof that is:  
 37 (A) owned by the owner of the dwelling unit; but  
 38 (B) maintained by the homeowners association.  
 39 (8) The solar energy system is installed in a fenced yard or  
 40 patio rather than on the roof of a dwelling and is taller than  
 41 the fence line.  
 42 (9) The solar energy system is installed in a manner that voids



1           **material warranties.**  
2           **(10) The installation of the solar energy system device would**  
3           **substantially interfere with the use and enjoyment of land by**  
4           **causing unreasonable discomfort or annoyance to a**  
5           **reasonable person of ordinary sensibilities.**

