



January 13, 2022

HOUSE BILL No. 1196

DIGEST OF HB 1196 (Updated January 12, 2022 4:58 pm - DI 106)

Citations Affected: IC 32-25.5.

Synopsis: Homeowners associations and solar power. Provides that: (1) a homeowners association may require certain screening and preapproval procedures before an owner of a dwelling unit may install a solar energy system; and (2) a homeowners association may prohibit the installation, use, or removal of a solar energy system under certain circumstances.

Effective: July 1, 2022.

Speedy, Torr, Payne, Hamilton

January 6, 2022, read first time and referred to Committee on Judiciary.
January 13, 2022, amended, reported — Do Pass.

HB 1196—LS 7084/DI 101



January 13, 2022

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 applies to homeowners associations with:**
7 **(1) rules;**
8 **(2) covenants;**
9 **(3) declarations of restrictions; or**
10 **(4) other governing documents;**
11 **that may or may not explicitly prohibit the installation of solar**
12 **energy systems.**
13 **Sec. 2. As used in this chapter, "dwelling unit" has the meaning**
14 **set forth in IC 32-31-5-3.**
15 **Sec. 3. As used in this chapter, "solar energy system" has the**
16 **meaning set forth in IC 36-7-2-8(a).**
17 **Sec. 4. (a) An owner of a dwelling unit who wishes to install a**

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1 solar energy system may petition other homeowners association
 2 members for approval to install the solar energy system to obtain
 3 an exemption from the homeowners association. The owner must
 4 provide the members with information regarding:

5 (1) the site plan of the solar energy system to be installed,
 6 including the:

7 (A) property boundaries;

8 (B) home;

9 (C) color of the solar energy system; and

10 (D) screening to be used on the solar energy system, if the
 11 solar energy system is to be installed in a location other
 12 than on the roof of the owner's dwelling unit;

13 (2) the vendor and installer of the solar energy system; and

14 (3) the plans and specifications of the solar energy system, if
 15 requested by the other homeowners association members.

16 (b) The owner of the dwelling unit must obtain signatures in an
 17 amount not less than the amount needed to amend the covenants
 18 or rules governing the homeowners association. All provisions
 19 contained in the homeowners association governing documents
 20 concerning voting rights and restrictions based on the number of
 21 lots owned by a particular homeowners association member shall
 22 apply to a petition for an exemption under this section.

23 (c) Once the owner obtains the required number of signatures
 24 under subsection (b), the owner must present the signatures and
 25 information provided in subsection (a) to the homeowners
 26 association board of directors for an exemption. Neither the
 27 homeowners association nor an architectural review committee of
 28 the homeowners association may deny the owner's request to
 29 install the solar energy system once the owner has obtained the
 30 required number of signatures, if the owner complied with the
 31 requirements provided in this section.

32 **Sec. 5.** A homeowners association may prohibit the installation
 33 or use of a solar energy system or may require the removal of a
 34 solar energy system that has been installed if any of the following
 35 apply:

36 (1) A court has found that the solar energy system threatens
 37 public health or safety.

38 (2) A court has found that the solar energy system violates a
 39 law.

40 (3) The solar energy system has been installed on property
 41 owned or maintained by the homeowners association.

42 (4) The solar energy system has been installed on property



- 1 owned in common by the members of the homeowners
2 association.
- 3 **(5) The solar energy system has been installed in a location**
4 **other than:**
- 5 **(A) the roof of:**
- 6 **(i) the dwelling unit of the owner installing the solar**
7 **energy system; or**
- 8 **(ii) another structure;**
- 9 **approved by the homeowners association; or**
- 10 **(B) a fenced yard or patio owned and maintained by the**
11 **owner of the dwelling unit.**
- 12 **(6) The solar energy system is mounted on the roof of the**
13 **dwelling unit of the owner installing the solar energy system**
14 **and:**
- 15 **(A) extends above or beyond the roof of the dwelling unit**
16 **by more than six (6) inches;**
- 17 **(B) does not conform to the slope of the roof and has a top**
18 **edge that is not parallel to the roof line; or**
- 19 **(C) has a frame, support bracket, or visible piping or**
20 **wiring that is not in a silver, bronze, or black tone**
21 **commonly available in the marketplace.**
- 22 **(7) The solar energy system is mounted on a roof that is:**
- 23 **(A) owned by the owner of the dwelling unit; but**
24 **(B) maintained by the homeowners association.**
- 25 **(8) The solar energy system is installed in a fenced yard or**
26 **patio rather than on the roof of a dwelling and is taller than**
27 **the fence line.**
- 28 **(9) The solar energy system is installed in a manner that voids**
29 **material warranties.**
- 30 **(10) The homeowner failed to comply with the requirements**
31 **provided in section 4 of this chapter.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1196 as introduced.)

TORR

Committee Vote: yeas 10, nays 0.

