

# HOUSE BILL No. 1375

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Homeowners associations and solar power. Provides that a homeowners association may require certain screening and preapproval procedures before an owner of a dwelling unit may install a solar energy system. Prohibits a homeowners association of a housing development constructed after June 30, 2020, from adopting rules, covenants, declarations of restrictions, and other documents that would prohibit the installation of solar energy systems.

**Effective:** July 1, 2020.

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## Speedy

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January 15, 2020, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1375

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, 2020]:  
4 **Chapter 3.5. Homeowners Association Restrictions on Solar**  
5 **Energy Systems**  
6 **Sec. 1. "Dwelling unit" has the meaning set forth in**  
7 **IC 32-31-5-3.**  
8 **Sec. 2. "Solar energy system" has the meaning set forth in**  
9 **IC 36-7-2-8(a).**  
10 **Sec. 3. (a) This section applies to a homeowners association**  
11 **with:**  
12 **(1) rules;**  
13 **(2) covenants;**  
14 **(3) declarations of restrictions; or**  
15 **(4) other governing documents;**  
16 **that may or may not explicitly prohibit the installation of solar**  
17 **energy systems.**



1           **(b) An owner of a dwelling unit who wishes to install a solar**  
 2 **energy system may petition other homeowners association**  
 3 **members for approval to install the solar energy system. The**  
 4 **owner must 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           **(c) The owner of the dwelling unit must obtain signatures in an**  
 17 **amount not less than fifty-one percent (51%) of the homeowners**  
 18 **association members.**

19           **(d) Once the owner obtains the required number of signatures**  
 20 **under subsection (c), the owner must present the signatures and**  
 21 **information provided in subsection (b) to the homeowners**  
 22 **association. The homeowners association may not deny the owner's**  
 23 **request to install the solar energy system once the owner has**  
 24 **obtained the required number of signatures.**

25           **Sec. 4. (a) This section applies to a homeowners association of a**  
 26 **housing development constructed after June 30, 2020.**

27           **(b) A homeowners association may not prohibit the owner of a**  
 28 **dwelling unit from installing a solar energy system or require the**  
 29 **removal of a solar energy system that has been installed except in**  
 30 **the following circumstances:**

31           **(1) A court has found that the solar energy system threatens**  
 32 **public health or safety.**

33           **(2) A court has found that the solar energy system violates a**  
 34 **law.**

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

37           **(4) The solar energy system has been installed on property**  
 38 **owned in common by the members of the homeowners**  
 39 **association.**

40           **(5) The solar energy system has been installed in a location**  
 41 **other than:**

42           **(A) the roof of:**



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

