

SENATE BILL No. 56

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-25.5-3.5.

Synopsis: Homeowners associations. 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. Provides that a homeowners association may prohibit the installation, use, or removal of a solar energy system under certain circumstances.

Effective: July 1, 2020.

Rogers

January 6, 2020, read first time and referred to Committee on Judiciary.



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.

SENATE BILL No. 56

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. 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 prohibit the installation of solar energy systems.**
12 **Sec. 2. As used in this chapter, "dwelling unit" has the meaning**
13 **set forth in IC 32-31-5-3.**
14 **Sec. 3. As used in this chapter, "solar energy system" has the**
15 **meaning set forth in IC 36-7-2-8(a).**
16 **Sec. 4. (a) An owner of a dwelling unit who wishes to install a**
17 **solar energy system may petition other homeowners association**



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

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

6 (A) property boundaries;

7 (B) home;

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

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

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

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

15 (b) The owner of the dwelling unit must obtain signatures in an
 16 amount not less than the amount needed to amend the covenants
 17 or rules governing the homeowners association.

18 (c) Once the owner obtains the required number of signatures
 19 under subsection (b), the owner must present the signatures and
 20 information provided in subsection (a) to the homeowners
 21 association for an exemption. The homeowners association may not
 22 deny the owner's request to install the solar energy system once the
 23 owner has obtained the required number of signatures, if the
 24 owner complied with the requirements provided in this section and
 25 the solar energy system complies with any other requirements
 26 provided in the homeowners association governing documents.

27 **Sec. 5.** A homeowners association may prohibit the installation
 28 or use of a solar energy system or may require the removal of a
 29 solar energy system that has been installed if any of the following
 30 apply:

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.
- 25 (10) The homeowner failed to comply with the requirements
26 provided in section 4 of this chapter.

