

SENATE BILL No. 207

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-25.5-3.5.

Synopsis: Homeowners associations and solar power. Prohibits a homeowners association from adopting or enforcing certain rules, covenants, declarations of restrictions, and other governing documents concerning solar energy systems after June 30, 2018.

Effective: July 1, 2018.

Freeman

January 3, 2018, read first time and referred to Committee on Civil Law.



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 2017 Regular Session of the General Assembly.

SENATE BILL No. 207

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, 2018]:
4 **Chapter 3.5. Use of Solar Energy Systems Subject to**
5 **Homeowners Association Rules and Regulations**
6 **Sec. 1. This chapter applies only to:**
7 **(1) rules;**
8 **(2) covenants;**
9 **(3) declarations of restrictions; and**
10 **(4) other governing documents;**
11 **of a homeowners association adopted or amended by a**
12 **homeowners association after June 30, 2018.**
13 **Sec. 2. "Dwelling unit" has the meaning set forth in**
14 **IC 32-31-5-3.**
15 **Sec. 3. "Solar energy system" has the meaning set forth in**
16 **IC 36-7-2-8.**
17 **Sec. 4. IC 36-7-2-8 applies to this chapter.**



1 **Sec. 5. Except as provided in IC 36-7-2-8 and section 7 of this**
 2 **chapter, a homeowners association may not:**

- 3 **(1) prohibit the owner of a dwelling unit from installing a**
 4 **solar energy system;**
 5 **(2) impose unreasonable limitations on the owner's ability to**
 6 **install or use a solar energy system, as described in section 6**
 7 **of this chapter; or**
 8 **(3) require the removal of a solar energy system that has been**
 9 **installed.**

10 **However, a homeowners association may require preapproval of**
 11 **the location and manner in which a solar energy system is installed.**

12 **Sec. 6. An unreasonable limitation on an owner's installation or**
 13 **use of a solar energy system includes, but is not limited to, any**
 14 **restriction on installation or use that:**

- 15 **(1) inhibits the solar energy system from functioning at its**
 16 **intended maximum efficiency; or**
 17 **(2) increases the solar energy system's installation or**
 18 **maintenance costs by an amount that is estimated to be**
 19 **greater than ten percent (10%) of the total cost of the initial**
 20 **installation of the solar energy system, including the costs of**
 21 **labor and equipment.**

22 **Sec. 7. A homeowners association may prohibit the installation**
 23 **or use of a solar energy system and may require the removal of a**
 24 **solar energy system that has been installed if any of the following**
 25 **apply:**

- 26 **(1) A court has found that the solar energy system threatens**
 27 **public health or safety.**
 28 **(2) A court has found that the solar energy system violates a**
 29 **law.**
 30 **(3) The solar energy system is located on property owned or**
 31 **maintained by the homeowners association.**
 32 **(4) The solar energy system is located on property owned in**
 33 **common by the members of the homeowners association.**
 34 **(5) The solar energy system is located either:**
 35 **(A) in an area other than on the roof of the dwelling unit or**
 36 **of another structure approved by the homeowners**
 37 **association; or**
 38 **(B) in an area other than in a fenced yard or patio owned**
 39 **and maintained by the owner of the dwelling unit.**
 40 **(6) The solar energy system is mounted on the roof of the**
 41 **dwelling unit and:**
 42 **(A) extends more than four (4) inches above or beyond the**



- 1 roof of the dwelling unit;
2 (B) is located in an area other than an area designated by
3 the homeowners association, unless installing the solar
4 energy system in the area designated by the homeowners
5 association:
6 (i) would significantly increase the cost of the system;
7 (ii) would significantly decrease the efficiency of the
8 system; or
9 (iii) would not allow for an alternative system of
10 comparable cost and efficiency;
11 (C) does not conform to the slope of the roof and has a top
12 edge that is not parallel to the roof line; or
13 (D) has a frame, support bracket, or visible piping or
14 wiring that is not in a silver, bronze, or black tone
15 commonly available in the marketplace.
16 (7) The solar energy system is located in a fenced yard or
17 patio and is taller than the fence line. This subdivision does
18 not apply to a solar energy system that is mounted on the roof
19 of the dwelling unit.
20 (8) The solar energy system is installed in a manner that voids
21 material warranties.
22 (9) Installation of the solar energy system device will
23 substantially interfere with use and enjoyment of land by
24 causing unreasonable discomfort or annoyance to a
25 reasonable person.
26 (10) The solar energy system is located on a roof that is:
27 (A) owned by the owner of the dwelling unit; and
28 (B) maintained by the homeowners association.

