



Reprinted
February 14, 2017

SENATE BILL No. 500

DIGEST OF SB 500 (Updated February 13, 2017 3:27 pm - DI 130)

Citations Affected: IC 32-25.5.

Synopsis: Homeowner associations and solar power. Prohibits a homeowners association from adopting or enforcing certain rules, covenants, declarations of restrictions, and other governing documents, after June 30, 2017, concerning solar energy systems.

Effective: July 1, 2017.

Freeman, Kruse, Becker

January 17, 2017, read first time and referred to Committee on Civil Law.
February 7, 2017, amended, reported favorably — Do Pass.
February 13, 2017, read second time, amended, ordered engrossed.

SB 500—LS 7143/DI 130



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First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 500

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, 2017]:
4 **Chapter 3.5. Use of Solar Energy Systems Subject to**
5 **Homeowners Association Rules**
6 **Sec. 1. This chapter applies only to rules, covenants,**
7 **declarations of restrictions, and other governing documents of a**
8 **homeowners association adopted by the homeowners association**
9 **after June 30, 2017.**
10 **Sec. 2. "Dwelling unit" has the meaning set forth in**
11 **IC 32-31-5-3.**
12 **Sec. 3. "Solar energy system" has the meaning set forth in**
13 **IC 36-7-2-8.**
14 **Sec. 4. IC 36-7-2-8 applies to this chapter.**
15 **Sec. 5. Except as provided in IC 36-7-2-8 and section 6 of this**
16 **chapter, a homeowners association may not prohibit the owner of**
17 **a dwelling unit from installing a solar energy system. However, a**

SB 500—LS 7143/DI 130



1 homeowners association may require preapproval of the location
2 and manner in which a solar energy system is installed.

3 **Sec. 6. A homeowners association may prohibit a solar energy**
4 **system if any of the following apply:**

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

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

9 (3) The solar energy system is located on property owned or
10 maintained by the homeowners association.

11 (4) The solar energy system is located on property owned in
12 common by the members of the homeowners association.

13 (5) The solar energy system is located either:

14 (A) in an area other than on the roof of the dwelling unit or
15 of another structure approved by the homeowners
16 association; or

17 (B) in an area other than in a fenced yard or patio owned
18 and maintained by the owner of the dwelling unit.

19 (A) on the roof of the dwelling unit or of another structure
20 allowed under the rules, covenants, declarations of
21 restrictions, and other governing documents of the
22 homeowners association; or

23 (B) in a fenced yard or patio owned and maintained by the
24 owner of the dwelling unit.

25 (6) The solar energy system is mounted on the roof of the
26 dwelling unit and:

27 (A) extends more than four (4) inches above or beyond the
28 roof of the dwelling unit;

29 (B) is located in an area other than an area designated by
30 the homeowners association, unless installing the solar
31 energy system in the area designated by the homeowners
32 association:

33 (i) would significantly increase the cost of the system;

34 (ii) would significantly decrease the efficiency of the
35 system; or

36 (iii) would not allow for an alternative system of
37 comparable cost and efficiency;

38 (C) does not conform to the slope of the roof and has a top
39 edge that is not parallel to the roof line; or

40 (D) has a frame, support bracket, or visible piping or
41 wiring that is not in a silver, bronze, or black tone
42 commonly available in the marketplace.



- 1 **(7) The solar energy system is located in a fenced yard or**
- 2 **patio and is taller than the fence line. This subdivision does**
- 3 **not apply to a solar energy system that is mounted on the roof**
- 4 **of the dwelling unit.**
- 5 **(8) The solar energy system is installed in a manner that voids**
- 6 **material warranties.**
- 7 **(9) Installation of the solar energy system device will**
- 8 **substantially interfere with use and enjoyment of land by**
- 9 **causing unreasonable discomfort or annoyance to a**
- 10 **reasonable person.**
- 11 **(10) The solar energy system is located on a roof that is:**
- 12 **(A) owned by the owner of the dwelling unit; and**
- 13 **(B) maintained by the homeowners association.**



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 500, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, after "rules" insert ", **covenants, declarations of restrictions, and other governing documents of a homeowners association**".

Page 1, line 6, delete "a" and insert "**the**".

and when so amended that said bill do pass.

(Reference is to SB 500 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 5, Nays 2.

 SENATE MOTION

Madam President: I move that Senate Bill 500 be amended to read as follows:

Page 2, line 13, delete "on" and insert ":".

Page 2, between lines 13 and 14, begin a new line double block indented and insert:

"(A) on the roof of the dwelling unit or of another structure allowed under the rules, covenants, declarations of restrictions, and other governing documents of the homeowners association; or

(B) in a fenced yard or patio owned and maintained by the owner of the dwelling unit."

Page 2, delete lines 14 through 17.

Page 2, line 18, delete "(7)" and insert "**(6)**".

Page 2, line 35, delete "(8)" and insert "**(7)**".

Page 2, line 35, delete ":".

Page 2, line 36, delete "(A)".

Page 2, line 36, delete ";".

Page 2, line 37, delete "(B)".

Page 2, line 37, after "line." insert "**This subdivision does not apply to a solar system that is mounted on the roof of the dwelling unit.**".

Page 2, run in lines 35 through 37.

SB 500—LS 7143/DI 130



Page 2, line 38, delete "(9)" and insert "**(8)**".

Page 2, line 40, delete "(10)" and insert "**(9)**".

Page 3, after line 1, begin a new line block indented and insert:

**"(10) The solar energy system is located on a roof that is:
(A) owned by the owner of the dwelling unit; and
(B) maintained by the homeowners association."**

(Reference is to SB 500 as printed February 8, 2017.)

FREEMAN

SENATE MOTION

Madam President: I move that Senate Bill 500 be amended to read as follows:

Page 2, line 13, delete "in an area other than on" and insert "**either:
(A) in an area other than on the roof of the dwelling unit or
of another structure approved by the homeowners
association; or**

**(B) in an area other than in a fenced yard or patio owned
and maintained by the owner of the dwelling unit."**

Page 2, delete lines 14 through 17.

Page 2, line 18, delete "(7)" and insert "**(6)**".

Page 2, line 20, after "extends" insert "**more than four (4) inches**".

Page 2, line 35, delete "(8)" and insert "**(7)**".

Page 2, line 35, delete ":".

Page 2, line 36, delete "(A)".

Page 2, line 36, delete ";".

Page 2, line 37, delete "(B)".

Page 2, line 37, after "line." insert "**This subdivision does not
apply to a solar energy system that is mounted on the roof of the
dwelling unit."**

Page 2, run in lines 35 through 37.

Page 2, line 38, delete "(9)" and insert "**(8)**".

Page 2, line 40, delete "(10)" and insert "**(9)**".

Page 3, after line 1, begin a new line block indented and insert:



**"(10) The solar energy system is located on a roof that is:
(A) owned by the owner of the dwelling unit; and
(B) maintained by the homeowners association."**

(Reference is to SB 500 as printed February 8, 2017.)

Senator FREEMAN

