

2011 -- S 0449

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY  
STANDARD

Introduced By: Senator Joshua Miller

Date Introduced: March 10, 2011

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. The purpose of this act is to protect the public health, safety, and welfare by  
2 encouraging the development and use of renewable resources in order to conserve and protect the  
3 value of land, buildings, and resources by preventing the adoption of measures which will have  
4 the ultimate effect, however unintended, of driving the costs of owning and operating commercial  
5 or residential property beyond the capacity of private owners to maintain.

6           SECTION 2. Chapter 39-26 of the General Laws entitled "Renewable Energy Standard"  
7 is hereby amended by adding thereto the following section:

8           **39-26-11. Energy devices based on renewable resources.** – (a) Notwithstanding any  
9 provision of this chapter or other provision of general law, the adoption of an ordinance by a city  
10 or town or provisions adopted by an association, which prohibits or has the effect of prohibiting  
11 the installation of solar collectors, clotheslines, weatherization improvements, gardens or other  
12 energy devices based on renewable resources is expressly prohibited.

13           (b) A deed restriction, covenant, declaration, or similar binding agreement may not  
14 prohibit or have the effect of prohibiting solar collectors, clotheslines, weatherization  
15 improvements, gardens or other energy devices based on renewable resources, from being  
16 installed on buildings erected on the lots or parcels covered by deed restriction, covenant,  
17 declaration, or binding agreement. A property owner may not be denied permission to install solar  
18 collectors or other energy devices by any entity granted the power or right in any deed restriction,

1 covenant, declaration, or similar binding agreement to approve, forbid, control, or direct  
2 alteration of property with respect to residential dwellings and within the boundaries of a  
3 condominium unit. This section shall not apply to patio railings in condominiums, cooperatives,  
4 or apartments.

5 (c) In any litigation arising under the provisions of this section, the prevailing party shall  
6 be entitled to costs and reasonable attorney's fees.

7 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY  
STANDARD

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- 1           This act would encourage the use of renewable energy resources but protect owners from
- 2   incurring costs which would be beyond their capacity to maintain.
- 3           This act would take effect upon passage.

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