

Representative V. Lowry Snow proposes the following substitute bill:

SOLAR ACCESS PROTECTION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts a provision related to the installation of a solar energy system.

Highlighted Provisions:

This bill:

- ▶ provides that a community association or governing document may not, subject to certain conditions, prohibit or unreasonably restrict a lot owner from installing or operating a solar energy system on the owner's lot;

- ▶ provides that a lot owner may not install a solar energy system that violates a state or local law; and

- ▶ provides that a solar energy system provider may not enforce an agreement for installation of a solar energy system against a lot owner if the agreement violates a law or requirement of an association or governing document.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 57-8a-228, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **57-8a-228** is enacted to read:

30 **57-8a-228. Restrictions on a solar energy system -- Declaration -- Governing**
31 **documents -- Agreement for installation of a solar energy system.**

32 (1) For the purposes of this section, "solar energy system" means a system that
33 produces electric energy solely by the use, as a primary energy source, of sunlight.

34 (2) Except as provided in Subsection (5), an association may not prohibit or
35 unreasonably restrict a lot owner from installing or operating a solar energy system on the
36 owner's lot.

37 (3) Except as provided in Subsection (6), a governing document may not prohibit or
38 unreasonably restrict a lot owner from installing or operating a solar energy system on the
39 owner's lot.

40 (4) A restriction on a lot owner's use of a solar energy system is unreasonable under
41 Subsection (2) or (3) if the restriction:

42 (a) increases the cost of the solar energy system, including the costs of labor and
43 equipment, by greater than \$750; or

44 (b) causes the solar energy system to function at an efficiency level that is greater than
45 15% less than the solar energy system's intended level of efficiency.

46 (5) An association may, as a condition of a lot owner installing a solar energy system
47 on the lot owner's lot:

48 (a) prohibit the installation of the solar energy system in a common area;

49 (b) require the lot owner to pay for a maintenance or repair cost that is related to the lot
50 owner's installation or operation of the solar energy system;

51 (c) require the lot owner to indemnify the association for any damage caused while the
52 lot owner is installing the solar energy system;

53 (d) require the lot owner to follow an application procedure in order to install the solar
54 energy system; or

55 (e) require the lot owner to enter into an agreement with the association, in a form that
56 can be recorded, that provides terms and conditions for the lot owner's installation and

57 maintenance of the solar energy system.

58 (6) In addition to a requirement made in a governing document by an association under
59 Subsection (5), a governing document may, as a condition of a lot owner installing a solar
60 energy system on the lot owner's lot:

61 (a) prohibit the installation of the solar energy system in a common area; or

62 (b) require the lot owner to pay a maintenance or repair cost that is related to the lot
63 owner's installation of a solar energy system;

64 (c) require the lot owner to indemnify the association for any damage caused while the
65 lot owner is installing the solar energy system.

66 (7) A lot owner may not install a solar energy system that violates a state or local law.

67 (8) A provider of a solar energy system that enters into an agreement with a lot owner
68 for the installation of a solar energy system may not enforce the agreement against the lot
69 owner if the agreement violates:

70 (a) this section;

71 (b) a requirement or prohibition, of an association, that complies with this section; or

72 (c) a requirement or prohibition, in a governing document, that complies with this
73 section.