

HOMEOWNERS' ENERGY POLICY ACT (EXCERPT)
Act 68 of 2024

***** 559.309.new THIS NEW SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024
REGULAR SESSION SINE DIE *****

559.309.new Adoption of written solar energy policy statement; content requirements and restrictions; homeowners' association duties.

Sec. 9. (1) Within 1 year after the effective date of this act, each homeowners' association in this state shall adopt a written solar energy policy statement. A policy adopted under this subsection must not conflict with an existing local, state, or federal law. All of the following apply to a policy adopted in accordance with this subsection:

(a) The policy must include the standards established under this act to be enforced by the homeowners' association.

(b) The policy may not prohibit elements of the solar energy system from being installed on a roof face.

(c) The policy may not require that a specific technology be utilized for the installation of a solar energy system, including, but not limited to, solar shingles rather than traditional solar panels.

(d) Any standards enforced under the policy may not result in a reduction in the production of electricity by the solar energy system by more than 10% or increase the total cost of the installation of the solar energy system to the member by more than \$1,000.00. As used in this subdivision, "production" means the estimated annual electrical production of the solar energy system.

(e) The policy must not include a provision that contradicts this act.

(f) The policy must include the following statements:

(i) That the approval of an adjacent home or unit owner is not required to approve a member's application to install a solar energy system on the member's home or unit.

(ii) That the homeowners' association will not do any of the following:

(A) Inquire into a member's energy usage.

(B) Impose conditions that impair the operation of a solar energy system.

(C) Impose conditions that negatively impact any component industry standard warranty.

(D) Require postinstallation reporting.

(E) Require a fee for submitting an application to install a solar energy system above that which it assesses for other applications related to a change to the property.

(F) Prohibit a member from resubmitting a written application to install a solar energy system after a written application submitted after the effective date of this act was denied by the homeowners' association.

(iii) That the homeowners' association will not deny a member's application to install a solar energy system because of the identity of the entity that owns the solar energy system or financing method chosen by the member.

(iv) That a homeowners' association may deny an application to install a solar energy system or require the removal of a solar energy system if 1 or more of the following apply:

(A) A court has found that the installation of the solar energy system violates a law.

(B) The installed solar energy system does not substantially conform with the member's application to install the solar energy system as approved by the homeowners' association.

(C) The homeowners' association has determined that the solar energy system will be installed on the roof of a home or unit of the member requesting installation and 1 or more of the following apply:

(I) The solar energy system will extend above or beyond the roof of that home or unit by more than 6 inches.

(II) The solar energy system does not conform to the slope of the roof and has a top edge that is not parallel to the roof line.

(III) The solar energy system has a frame, support bracket, or visible conduit or wiring that is not silver, bronze, or black tone that are commonly available in the marketplace.

(D) The homeowners' association has determined that both of the following apply:

(I) The solar energy system will be installed in a fenced yard or patio rather than on the roof of a home or unit.

(II) The solar energy system will be taller than the fence line.

(v) That a member shall comply with state and local building codes and permit requirements in the replacement, maintenance, installation, or operation of an energy-saving improvement or modification or the installation of a solar energy system.

(vi) That both of the following apply:

(A) A member who wants to install a solar energy system in the member's home or unit shall comply with the application requirements under section 11(1).

(B) A member may resubmit a written application to install a solar energy system in accordance with section 11(4).

(g) The policy may impose reasonable conditions concerning the maintenance, repair, replacement, or removal of a damaged or inoperable solar energy system provided that the conditions are not more burdensome than the conditions imposed on nonsolar energy projects.

(2) A homeowners' association shall do both of the following:

(a) Make a copy of the policy available to a member within 30 days after the adoption of the policy, or on request.

(b) If the homeowners' association maintains an internet website, post a copy of the policy on its website.

(3) Any provision in a policy that conflicts with this act is void and unenforceable.

History: 2024, Act 68, Eff. (sine die).