

HOUSE BILL No. 1560

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-25.5-3.5.

Synopsis: Homeowners associations and solar power. Provides that, subject to certain specified exceptions, a homeowners association may not: (1) prohibit the owner of a dwelling unit from installing a solar energy system; (2) impose unreasonable limitations on the owner's ability to install or use a solar energy system; or (3) require the removal of a solar energy system that has been installed. Provides, however, that a homeowners association may require preapproval by the homeowners association of the location of a solar energy system and of the manner in which the solar energy system is installed. Applies only to rules, covenants, declarations of restrictions, and other governing documents adopted or amended by a homeowners association after June 30, 2021.

Effective: July 1, 2021.

Speedy, Negele

January 14, 2021, read first time and referred to Committee on Utilities, Energy and Telecommunications.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1560

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, 2021]:

4 **Chapter 3.5. Homeowners Association Restrictions on Solar**
5 **Energy Systems**

6 **Sec. 1. This chapter does not apply to:**

- 7 (1) rules;
- 8 (2) covenants;
- 9 (3) declarations of restrictions; or
- 10 (4) other governing documents;

11 **of a homeowners association adopted or amended by the**
12 **homeowners association before July 1, 2021.**

13 **Sec. 2. As used in this chapter, the "cost of installing a solar**
14 **energy system" includes both the cost of labor and the cost of**
15 **equipment.**

16 **Sec. 3. As used in this chapter, "dwelling unit" has the meaning**
17 **set forth in IC 32-31-5-3.**



1 **Sec. 4.** As used in this chapter, "solar energy system" has the
2 meaning set forth in IC 36-7-2-8(a).

3 **Sec. 5. (a)** Except as provided in subsection (b) and section 7 of
4 this chapter, a homeowners association may not:

5 (1) prohibit the owner of a dwelling unit from installing a
6 solar energy system;

7 (2) impose unreasonable limitations on the owner's ability to
8 install or use a solar energy system; or

9 (3) require the removal of a solar energy system that has been
10 installed.

11 **(b)** A homeowners association may require preapproval by the
12 homeowners association of:

13 (1) the location of a solar energy system; and

14 (2) the manner in which a solar energy system is installed.

15 **Sec. 6.** For purposes of section 5(a)(2) of this chapter,
16 unreasonable limitations on an owner's ability to install or use a
17 solar energy system include any restriction that:

18 (1) inhibits the solar energy system from functioning at its
19 intended maximum efficiency; or

20 (2) increases the cost of installing the solar energy system to
21 an amount reasonably estimated to be more than ten percent
22 (10%) higher than the cost of installing the solar energy
23 system in the absence of the restriction.

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

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

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

32 (3) The solar energy system has been installed on property
33 owned or maintained by the homeowners association.

34 (4) The solar energy system has been installed on property
35 owned in common by the members of the homeowners
36 association.

37 (5) The solar energy system has been installed in a location
38 other than:

39 (A) the roof of:

40 (i) the dwelling unit of the owner installing the solar
41 energy system; or

42 (ii) another structure;



- 1 approved by the homeowners association; or
2 (B) a fenced yard or patio owned and maintained by the
3 owner of the dwelling unit.
- 4 (6) The solar energy system is mounted on the roof of the
5 dwelling unit of the owner installing the solar energy system
6 and:
7 (A) extends above or beyond the roof of the dwelling unit
8 by more than four (4) inches;
9 (B) is mounted other than in the roof location designated
10 by the homeowners association, unless mounting the solar
11 energy system in the roof location designated by the
12 homeowners association:
13 (i) would significantly increase the cost of the solar
14 energy system; or
15 (ii) would significantly decrease the efficiency of the
16 solar energy system;
17 and an alternative solar energy system affording
18 comparable cost and efficiency could not be mounted in the
19 roof location designated by the homeowners association;
20 (C) does not conform to the slope of the roof and has a top
21 edge that is not parallel to the roof line; or
22 (D) has a frame, support bracket, or visible piping or
23 wiring that is not in a silver, bronze, or black tone
24 commonly available in the marketplace.
- 25 (7) The solar energy system is mounted on a roof that is:
26 (A) owned by the owner of the dwelling unit; but
27 (B) maintained by the homeowners association.
- 28 (8) The solar energy system is installed in a fenced yard or
29 patio rather than on the roof of a dwelling and is taller than
30 the fence line.
- 31 (9) The solar energy system is installed in a manner that voids
32 material warranties.
- 33 (10) The installation of the solar energy system device would
34 substantially interfere with the use and enjoyment of land by
35 causing unreasonable discomfort or annoyance to a
36 reasonable person of ordinary sensibilities.

