

SENATE BILL No. 500

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-25.5-3.5.

Synopsis: Home owner associations and solar power. Prohibits a homeowners association from adopting or enforcing certain rules after June 30, 2017, concerning solar energy systems.

Effective: July 1, 2017.

Freeman

January 17, 2017, read first time and referred to Committee on Civil Law.



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.

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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 adopted by a**
7 **homeowners association after June 30, 2017.**
8 **Sec. 2. "Dwelling unit" has the meaning set forth in**
9 **IC 32-31-5-3.**
10 **Sec. 3. "Solar energy system" has the meaning set forth in**
11 **IC 36-7-2-8.**
12 **Sec. 4. IC 36-7-2-8 applies to this chapter.**
13 **Sec. 5. Except as provided in IC 36-7-2-8 and section 6 of this**
14 **chapter, a homeowners association may not prohibit the owner of**
15 **a dwelling unit from installing a solar energy system. However, a**
16 **homeowners association may require preapproval of the location**
17 **and manner in which a solar energy system is installed.**



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

3 **(1) A court has found that the solar energy system threatens**
4 **public health or safety.**

5 **(2) A court has found that the solar energy system violates a**
6 **law.**

7 **(3) The solar energy system is located on property owned or**
8 **maintained by the homeowners association.**

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

11 **(5) The solar energy system is located in an area other than on**
12 **the roof of the dwelling unit or of another structure.**

13 **(6) The solar energy system is located in an area other than in**
14 **a fenced yard or patio owned and maintained by the owner of**
15 **the dwelling unit.**

16 **(7) The solar energy system is mounted on the roof of the**
17 **dwelling unit and:**

18 **(A) extends above or beyond the roof of the dwelling unit;**

19 **(B) is located in an area other than an area designated by**
20 **the homeowners association, unless installing the solar**
21 **energy system in the area designated by the homeowners**
22 **association:**

23 **(i) would significantly increase the cost of the system;**

24 **(ii) would significantly decrease the efficiency of the**
25 **system; or**

26 **(iii) would not allow for an alternative system of**
27 **comparable cost and efficiency;**

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

30 **(D) has a frame, support bracket, or visible piping or**
31 **wiring that is not in a silver, bronze, or black tone**
32 **commonly available in the marketplace.**

33 **(8) The solar energy system is:**

34 **(A) located in a fenced yard or patio; and**

35 **(B) is taller than the fence line.**

36 **(9) The solar energy system is installed in a manner that voids**
37 **material warranties.**

38 **(10) Installation of the solar energy system device will**
39 **substantially interfere with use and enjoyment of land by**
40 **causing unreasonable discomfort or annoyance to a**
41 **reasonable person.**

