



February 8, 2017

SENATE BILL No. 500

DIGEST OF SB 500 (Updated February 6, 2017 12:04 pm - DI 128)

Citations Affected: IC 32-25.5.

Synopsis: Home owner associations and solar power. Prohibits a homeowners association from adopting or enforcing certain rules, covenants, declarations of restrictions, and other governing documents, after June 30, 2017, concerning solar energy systems.

Effective: July 1, 2017.

Freeman, Kruse, Becker

January 17, 2017, read first time and referred to Committee on Civil Law.
February 7, 2017, amended, reported favorably — Do Pass.

SB 500—LS 7143/DI 130



February 8, 2017

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.

SENATE BILL No. 500

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

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1 homeowners association may require preapproval of the location
2 and manner in which a solar energy system is installed.

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

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

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

9 (3) The solar energy system is located on property owned or
10 maintained by the homeowners association.

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

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

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

18 (7) The solar energy system is mounted on the roof of the
19 dwelling unit and:

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

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

25 (i) would significantly increase the cost of the system;

26 (ii) would significantly decrease the efficiency of the
27 system; or

28 (iii) would not allow for an alternative system of
29 comparable cost and efficiency;

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

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

35 (8) The solar energy system is:

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

37 (B) is taller than the fence line.

38 (9) The solar energy system is installed in a manner that voids
39 material warranties.

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



1 **reasonable person.**



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 500, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, after "rules" insert ", **covenants, declarations of restrictions, and other governing documents of a homeowners association**".

Page 1, line 6, delete "a" and insert "**the**".

and when so amended that said bill do pass.

(Reference is to SB 500 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 5, Nays 2.

