Effective 5/9/2017

Part 7
Solar Access

57-8a-701 Solar energy system -- Restriction in declaration or association rule.

(1) As used in this section, "detached dwelling" means a detached dwelling for which the association does not have an ownership interest in the detached dwelling's roof.

(2)

(a) No governing document, other than a declaration, may prohibit an owner of a lot with:

(i) a detached dwelling from installing a solar energy system; or

(ii) a dwelling attached to other dwellings from installing a solar energy system, if:

(A) the association does not have an ownership interest in the dwelling's roof or building exterior;

(B) the association does not have a maintenance, repair, or replacement obligation in the dwelling's roof or building exterior; and

(C) all lot owners with attached dwellings in the building agree to the installation of the solar energy system.

(b) Except as provided in Subsection (4), solar energy system restrictions on the owner of a lot described in Subsection (2)(a) shall be by declaration or association rule.

(3)

(a) An association may not amend the declaration to impose a prohibition on the installation of a solar energy system unless the association approves the prohibition by a vote of at least 67% of the allocated voting interests of the lot owners in the association.

(b) An association may amend an existing provision in a declaration that prohibits the installation of a solar energy system on a lot with a detached dwelling if the association approves the amendment by a vote of at least 51% of the allocated voting interests of the lot owners in the association.

(4) A declaration or an association rule may require an owner of a dwelling that installs a solar energy system on the owner's lot:

(a) install a solar energy system that, or install the solar energy system in a manner that:

(i) complies with applicable health, safety, and building requirements established by the state or a political subdivision of the state;

(ii) if the solar energy system is used to heat water, is certified by:

(A) the Solar Rating and Certification Corporation; or

(B) a nationally recognized solar certification entity;

(iii) if the solar energy system is used to produce electricity, complies with applicable safety and performance standards established by:

(A) the National Electric Code;

(B) the Institute of Electrical and Electronics Engineers;

(C) Underwriters Laboratories;

(D) an accredited electrical testing laboratory; or

(E) the state or a political subdivision of the state;

(iv) if the solar energy system is mounted on a roof:

(A) does not extend above the roof line; or

(B) has panel frame, support bracket, or visible piping or wiring that has a color or texture that is similar to the roof material; or

(v) if the solar energy system is mounted on the ground, is not visible from the street that a lot fronts;

(b) pay any reasonable cost or expense incurred by the association to review an application to install a solar energy system;

(c) be responsible, jointly and severally with any subsequent owner of the lot while the violation of the rule or requirement occurs, for any cost or expense incurred by the association to enforce a declaration requirement or association rule;

(d) as a condition of installing a solar energy system, to record a deed restriction against the owner's lot that runs with the land that requires the current owner of the lot to indemnify or reimburse the association or a member of the association for any loss or damage caused by the installation, maintenance, or use of the solar energy system, including costs and reasonable attorney fees incurred by the association or a member of the association; or

(e) follow restrictions on a solar energy system's size, location, or manner of placement if the restriction:

(i) decreases the solar energy system's production by 5% or less than the solar production without the restriction; and

(ii) increases the solar energy system's cost of installation by 5% or less than the cost of the installation without the restriction.

Amended by Chapter 207, 2025 General Session

57-8a-702 Attorney fees.

In an action to enforce this part, the court may award the prevailing party, in addition to any other available relief, an amount equal to the prevailing party's costs and reasonable attorney fees.

Enacted by Chapter 424, 2017 General Session

57-8a-703 Applicability.

(1) Except as provided in Subsection (2), this part applies to a declaration or official association action regardless of when the declaration was recorded or the official association action was taken.

(2) This part does not apply to an express prohibition or an express restriction on a lot owner's installation of a solar energy system:

(a) described in a declaration recorded before January 1, 2017; or

(b) created by official association action taken before January 1, 2017.

(3) This part does not apply during the period of administrative control.

Enacted by Chapter 424, 2017 General Session