

1                                   **SOLAR ACCESS PROTECTION AMENDMENTS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: V. Lowry Snow**

5                                   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends provisions related to the installation of a solar energy system.

10 **Highlighted Provisions:**

11       This bill:

12           ▶ provides that a community association or governing document may not, subject to  
13 certain conditions, prohibit or unreasonably restrict a lot owner from installing or  
14 operating a solar energy system on the owner's lot.

15 **Money Appropriated in this Bill:**

16       None

17 **Other Special Clauses:**

18       None

19 **Utah Code Sections Affected:**

20 ENACTS:

21       **57-8a-228**, Utah Code Annotated 1953

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23 *Be it enacted by the Legislature of the state of Utah:*

24       Section 1. Section **57-8a-228** is enacted to read:

25       **57-8a-228. Restrictions on a solar energy system -- Declaration -- Governing**  
26 **documents.**

27       (1) For the purposes of this section, "solar energy system" means a system that



28 produces electric energy solely by the use, as a primary energy source, of sunlight.

29 (2) Except as provided in Subsection (5), an association may not prohibit or  
30 unreasonably restrict a lot owner from installing or operating a solar energy system on the  
31 owner's lot.

32 (3) Except as provided in Subsection (6), a governing document may not prohibit or  
33 unreasonably restrict a lot owner from installing or operating a solar energy system on the  
34 owner's lot.

35 (4) A restriction on a lot owner's use of a solar energy system is unreasonable under  
36 Subsection (2) or (3) if the restriction:

37 (a) increases the cost of the solar energy system, including the costs of labor and  
38 equipment, by greater than \$750; or

39 (b) causes the solar energy system to function at an efficiency level that is greater than  
40 15% less than the solar energy system's intended level of efficiency.

41 (5) An association may:

42 (a) require a solar energy system to comply with state or local law;

43 (b) prohibit or restrict the installation of a solar energy system in a common area;

44 (c) require a lot owner to pay for a maintenance or repair cost that is related to the lot  
45 owner's installation or operation of a solar energy system;

46 (d) require a person that installs a solar energy system to indemnify the association for  
47 any damage caused while the person is installing the solar energy system; or

48 (e) require a lot owner to follow an application procedure in order to install a solar  
49 energy system.

50 (6) A governing document may:

51 (a) require a solar energy system to comply with state or local law;

52 (b) prohibit or restrict the installation of a solar energy system in a common area; or

53 (c) require a lot owner to pay a maintenance or repair cost that is related to the lot  
54 owner's installation of a solar energy system.