

150 system on a lot with a detached dwelling, an association may not amend the declaration to
151 impose a prohibition on the installation of a solar energy system unless the association
152 approves the prohibition by a vote of greater than 67% of the allocated voting interests of the
153 lot owners in the association.

154 (b) An association may amend an existing provision in a declaration that prohibits the
155 installation of a solar energy system on a lot with a detached dwelling if the association
156 approves the amendment by a vote of greater than 67% of the allocated voting interests of the
157 lot owners in the association.

158 (4) An association may, by association rule, for a lot with a detached dwelling, impose
159 a restriction other than a prohibition on a lot owner's installation of a solar energy system if the
160 restriction:

161 (a) complies with Subsection (5);

162 (b) decreases the solar energy system's production by 5% or less; and

163 (c) increases the solar energy system's cost of installation by 5% ~~or less~~ .

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

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

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

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

171 (A) the Solar Rating and Certification Corporation; or

172 (B) a nationally recognized solar certification entity;

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

175 (A) the National Electric Code;

176 (B) the Institute of Electrical and Electronics Engineers;

177 (C) Underwriters Laboratories;

178 (D) an accredited electrical testing laboratory; or

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

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

181 (A) does not extend above the roof line; or
 182 (B) has panel frame, support bracket, or visible piping or wiring that has a color or
 183 texture that is similar to the roof material; or
 184 (v) if the solar energy system is mounted on the ground, is not visible from the street
 185 that a lot fronts;

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

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

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

196 Section 3. Section **57-8a-702** is enacted to read:

197 **57-8a-702. Attorney fees.**

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

201 Section 4. Section **57-8a-703** is enacted to read:

202 **57-8a-703. Applicability.**

203 **§→ (1)Except as provided in Subsection (2), this part applies to a declaration or official**
 203a **association action regardless of when the declaration was recorded or the official association**
 203b **action was taken. ←§**

203c **§→ [(1)] (2) ←§ This part does not apply to §→ an express ←§ prohibition or §→ an**
 203d **express ←§ restriction on a lot owner's installation of**
 204 **a solar energy system:**

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

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

207 **§→ [(2)] (3) ←§ This part does not apply during the period of administrative control.**