

2005 SESSION

INTRODUCED

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HOUSE BILL NO. 2180

Offered January 12, 2005

Prefiled January 11, 2005

A *BILL to amend the Code of Virginia by adding a section numbered 55-78.1, relating to solar energy devices; covenants prohibited.*

Patron—Tata (By Request)

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55-78.1 as follows:

§ 55-78.1. *Solar energy devices; covenants prohibited.*

A. A restrictive covenant, term, provision, condition, codicil, or contract shall not act to impose any unreasonable limitation on the installation of one or more solar energy devices on any single-family residential dwelling by its owner. Any such covenant, term, provision, condition, codicil, or contract in any lease, deed or other real estate contract shall be void.

B. For purposes of this section:

"Solar energy device" means any identifiable facility, equipment, or apparatus, including a photovoltaic cell application, that may be attached to a single-family residential dwelling that makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for generation.

"Unreasonable limitation" means a restriction or requirement that significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.

C. This section shall not apply to properties designated (i) by the Virginia Board of Historic Resources pursuant to § 10.1-2204, (ii) by a local government pursuant to § 15.2-2306, or (iii) by the federal government for inclusion in the National Register of Historic Places or as National Historic Landmarks.

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