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HOUSE BILL NO. 2417

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 18, 2009)

(Patron Prior to Substitute—Delegate Bouchard)

A *BILL to amend and reenact § 67-701 of the Code of Virginia, relating to covenants regarding solar power.*

Be it enacted by the General Assembly of Virginia:

1. That § 67-701 of the Code of Virginia is amended and reenacted as follows:

§ 67-701. Covenants regarding solar power.

A. Effective July 1, 2008, no community association shall prohibit an owner from installing or using a solar energy collection device on that owner's property. However a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices.

B. The community association may prohibit or restrict the installation of solar energy collection devices on the common elements or common area within the real estate development served by the community association. A community association may establish reasonable restrictions as to the size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.

C. ~~This section shall not apply with respect to any provision of a restrictive covenant that restricts the installation or use of any solar collection device if such provision became effective prior to July 1, 2008.~~

Nothing in this section shall be construed to ~~(i)~~ invalidate any provision of a restrictive covenant that prohibits or restricts the installation or use of any solar collection device if such provision was in effect before July 1, 2008, or ~~(ii)~~ to prohibit the amendment of a *any such* restrictive covenant ~~on or after July 1, 2008, to prohibit or restrict to allow~~ the installation or use of any solar collection device *on an individual owner's property* if such amendment is adopted by the membership of the community association in accordance with such association's governing documents.

SENATE SUBSTITUTE

HB2417S1