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SENATE BILL NO. 221

Senate Amendments in [] — January 25, 2010

A *BILL to amend and reenact § 67-700 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 67 a section numbered 67-702, relating to covenants regarding natural drying devices.*

Patron Prior to Engrossment—Senator Puller

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 67-700 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 7 of Title 67 a section numbered 67-702, as follows:

CHAPTER 7.

COVENANTS RESTRICTING SOLAR ENERGY COLLECTION AND NATURAL DRYING DEVICES.

§ 67-700. Definitions.

As used in this chapter:

"Community association" means an unincorporated association or corporation that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association or corporation.

"Natural drying device" means any device, such as a clothesline, or any combination of devices, that uses naturally-occurring wind or evaporation to dry clothes, linens, or other fabrics.

"Solar energy collection device" means any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus.

§ 67-702. Covenants regarding renewable energy resource device.

A. [~~Effective~~ Subject to subsection C, effective] July 1, 2010, no community association shall prohibit an owner from installing or using a natural drying device on that owner's property. However, a community association may establish reasonable restrictions concerning the size, placement, [duration] and manner of placement of such natural drying device.

B. The community association may prohibit or restrict the installation of natural drying 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, placement, and manner of placement or installation of any natural drying device installed on the common elements or common area.

C. 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 natural drying device if such provision was in effect before July 1, 2010, or (ii) prohibit the amendment of a restrictive covenant to prohibit or restrict the installation or use of any natural drying device, or to remove prohibitions or restrictions on the installation or use of any natural drying device if such amendment is adopted by the membership of the community association in accordance with such association's governing documents.

ENGROSSED

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