VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 525

An Act to amend and reenact § 67-701 of the Code of Virginia, relating to community association restrictions on solar panels.

[S 222]

Approved April 3, 2014

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~~ *No* community association shall prohibit an owner from installing ~~or using~~ a solar energy collection device on that owner's property *unless the recorded declaration for that community association establishes such a prohibition*. However a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use. Any resale certificate pursuant to § 55-79.97 and any disclosure packet pursuant to § 55-509.5, as applicable, given to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property.

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) prohibit the amendment of a restrictive covenant to prohibit or restrict the installation or use of any solar collection device, or to remove prohibitions or restrictions on the installation or use of any solar collection device if such amendment is adopted by the membership of the community association in accordance with such association's governing documents.~~

2. That the General Assembly finds that this act is an exercise of the police power of the Commonwealth that is necessary for the general good of the public and its enactment is a necessary and appropriate response to the valid public need to increase the use of solar power as a means of reducing reliance on energy sources that contribute to greenhouse gas emissions.