

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4
5 Approved

[S 222]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 67-701. Covenants regarding solar power.**

9 A. Effective July 1, 2008, ~~no~~ No community association shall prohibit an owner from installing ~~or~~
10 ~~using~~ a solar energy collection device on that owner's property *unless the recorded declaration for that*
11 *community association establishes such a prohibition.* However a community association may establish
12 reasonable restrictions concerning the size, place, and manner of placement of such solar energy
13 collection devices on property designated and intended for individual ownership and use. Any resale
14 certificate pursuant to § 55-79.97 and any disclosure packet pursuant to § 55-509.5, as applicable, given
15 to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the
16 right of an owner to install or use solar energy collection devices on his property.

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

22 C. ~~This section shall not apply with respect to any provision of a restrictive covenant that restricts~~
23 ~~the installation or use of any solar collection device if such provision became effective prior to July 1,~~
24 ~~2008.~~

25 Nothing in this section shall be construed to (i) invalidate any provision of a restrictive covenant that
26 prohibits or restricts the installation or use of any solar collection device if such provision was in effect
27 before July 1, 2008, or (ii) prohibit the amendment of a restrictive covenant to prohibit or restrict the
28 installation or use of any solar collection device, or to remove prohibitions or restrictions on the
29 installation or use of any solar collection device if such amendment is adopted by the membership of
30 the community association in accordance with such association's governing documents.

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

ENROLLED

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