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**HOUSE BILL NO. 2240**

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend and reenact § 67-701 of the Code of Virginia, relating to the Virginia Energy Plan; covenants restricting solar energy collection devices.*

Patrons—Delaney, Kory and Levine

Referred to Committee on Commerce and Labor

**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. No community association shall prohibit an owner from installing a solar energy collection device on that owner's property unless the recorded *condominium instruments* or declaration for that community association establishes such a prohibition. *Pursuant to § 55-79.71 or 55-515.1, as applicable, no condominium instruments may be amended to establish such a prohibition except by agreement of unit owners of units to which two-thirds of the votes in the unit owners' association appertain, and no declaration may be amended to establish such a prohibition except by a two-thirds vote of the lot owners, unless otherwise provided in the condominium instruments or the declaration.* 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, *provided that such restrictions do not decrease the efficiency of a solar energy collection device by an average of more than 15 percent per year.* 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.

**2. That the provisions of this act shall not be deemed to invalidate any reasonable restrictions concerning the size, place, and manner of placement of solar energy collection devices on property designated and intended for individual ownership and use if such restrictions were in effect on the effective date of this act.**

INTRODUCED

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