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HOUSE BILL NO. 414

Offered January 8, 2020

Prefiled January 2, 2020

A BILL to amend and reenact § 67-701 of the Code of Virginia, relating to the Virginia Energy Plan; covenants regarding solar power; reasonable restrictions.

Patrons—Delaney, Simonds and Levine

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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 declaration for that community association establishes such a prohibition. However, *where authorized by the recorded declaration*, 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. *A restriction shall be deemed to be not reasonable if it increases the cost of the solar energy collection device by \$1,000 over the cost originally proposed or causes a decrease in production or estimated production of more than 10 percent compared with the design as originally proposed.* Any resale certificate pursuant to § 55.1-1990 and any disclosure packet pursuant to § 55.1-1809, 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. *Nothing in this section shall alter the authority of any state or local ordinances regarding historic preservation.*