

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 881

An Act to amend and reenact §§ 67-700 and 67-701 of the Code of Virginia, relating to covenants restricting solar energy collection devices.

[S 320]

Approved May 12, 2008

Be it enacted by the General Assembly of Virginia:

1. That §§ 67-700 and 67-701 of the Code of Virginia are amended and reenacted as follows:

§ 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.

"Solar energy collection device" means any device ~~that facilitates~~ *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.

§ 67-701. Covenants regarding solar power.

A. ~~Except to the extent provided in the condominium instruments, declaration, or rules and regulations duly adopted pursuant thereto Effective July 1, 2008, no community association shall enact any provisions restricting solar power or the use of~~ *prohibit an owner from installing or using a solar energy collection device on units or lots that are part of the development that owner's property. However a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices.*

B. The community association may prohibit or restrict the installation ~~and use of such~~ solar energy collection devices on the common elements or common ~~areas~~ *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 on or after July 1, 2008, to prohibit or restrict 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.