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SENATE BILL NO. 320

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Wagner
on February 7, 2008)

(Patron Prior to Substitute—Senator Wagner)

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

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, subject to 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 individually owned property.*