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SENATE BILL NO. 1065

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact § 67-700 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 67 a section numbered 67-702, relating to covenants regarding wind energy drying devices.*

Patron—Puller

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 67-700 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 7 of Title 67 a section numbered 67-702 as follows:

CHAPTER 7.

COVENANTS RESTRICTING SOLAR ENERGY COLLECTION AND WIND ENERGY DRYING DEVICES.

§ 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 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.

"Wind energy drying device" means any device, such as a clothesline, or any combination of devices, that uses naturally occurring wind to dry clothes, linens, or other fabrics.

§ 67-702. Covenants regarding renewable energy resource device.

A. *Effective July 1, 2009, no community association shall prohibit an owner from installing or using a wind energy drying device on that owner's property. However, a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such wind energy drying device.*

B. *The community association may prohibit or restrict the installation of wind energy drying 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 wind energy drying 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 installation of wind energy drying device if such provision became effective prior to July 1, 2009.*

D. *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 wind energy drying device if such provision was in effect before July 1, 2009, or (ii) prohibit the amendment of a restrictive covenant on or after July 1, 2009, to prohibit or restrict the installation or use of any installation of wind energy drying device if such amendment is adopted by the membership of the community association in accordance with such association's governing documents.*

INTRODUCED

SB1065