

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 272

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

[S 504]

Approved March 11, 2020

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 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. 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. *A restriction shall be deemed not to be reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in this subsection.*

C. 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 *number*, size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.