

## SAMPLE HOA SOLAR GUIDELINES

WHEREAS, the [NAME OF HOA] (“Association”), is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the record Declarations for the various sections of the community (referred to collectively as “Declarations”); and

WHEREAS, the Board of Directors of the Association (“Board”) has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Solar Energy Devices* within the community.

1. These guidelines apply to solar energy devices (“Devices”). A solar energy device means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.
2. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
3. Applications to the [HOA name] Architectural Control Committee (“ACC”) should include the following:
  - a. A diagram “drawn to scale” by the licensed contractor installing the Device showing where the Device will be installed;
  - b. Photographs of the roof area where the Device will be mounted, if applicable;
  - c. Plans showing visibility of the Device from areas open to common or public access;
  - d. Material to be used and/or manufacturer’s description of the Device, photographs and/or pictures of the Device and color of the Device; and
  - e. Where possible, provide photographs of similar existing Devices as examples.
4. The ACC will either approve, request additional materials, recommend changes, or deny the Device design and location as proposed and determine an alternate location for the Device. If the ACC fails to render a decision on the proposed Device design or location within thirty (30) days after the submission of all required application materials, approval will be automatically granted.

5. Devices which meet certain criteria are to be considered automatically pre-approved by the ACC upon submission and further approval is not necessary unless a change in design or location results in the Device no longer meeting the criteria.
6. Pre-Approval applies if the Device complies with the following conditions:
  - a. The size of the Device is within the Net Metering statutory limitations; and
  - b. The design of the Device is compliant with current building codes; and
  - c. Roof-mounted Devices are installed parallel to the roof line; and
  - d. Any wiring and other components for the Device are concealed as much as possible; and
  - e. Roof-mounted Devices are located on the rear-facing roof or side of the house; or
  - f. Ground-mounted devices are located in either the backyard or patio and do not extend higher than the fence line;
7. Such Devices which do not comply with the above criteria may only be installed with advance written approval of the ACC subject to these guidelines.
8. The ACC will consider the following when making a decision:
  - a. For Devices mounted on a roof:
    - i. The extent to which the Device extends higher or beyond the perimeter boundary of the roof section it is attached;
    - ii. How closely the Device conforms to the slope of the roof, unless the Device is installed on a side or rear-facing roof, in which case the array may be tilted or raised if a variance is granted; and
    - iii. If piping and electrical connections are located directly under and/or within the perimeter of the panels, when possible, and placed as inconspicuously as possible when viewed from all angles; and
    - iv. When applicable, whether the solar “shingles” mimic the look of a composite shingle; and
    - v. If determining an alternative location, the Device must be located in a position on the roof which does not reduce estimated annual energy production more than ten (10) percent over alternative roof locations (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory [[www.nrel.gov](http://www.nrel.gov)] or equivalent entity).
    - vi. Flush-mounted panels on a roof facing a street must be allowed if documentation is provided from the solar constructor indicating this is the only feasible location for the Device.
  - b. For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence unless authorized. If the fence is not a solid

fence which blocks view of the Device, the Association may require the Device be placed in a location behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.

9. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law, pursuant to [applicable ordinance]. Permits must be obtained where required by law.

10. Installed Devices may not:

- a. Threaten public health or safety; or
- b. Violate any law; or
- c. Substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.

11. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.

12. A variance to certain sections of these guidelines may be granted if compliance with these guidelines would significantly increase the purchase price of the Device or significantly decrease its performance or efficiency. If a homeowner seeks a variance they must provide a minimum of two bids depicting the cost of installation of the Device—one bid in compliance with these guidelines and a second bid depicting the desired alternative location, unless the variance represents the only feasible installation location. The ACC may require bids or estimates from a second contractor in order to make an informed decision. For purposes of this exception, "significant" means an amount exceeding ten (10) percent of the cost of the system, or decreasing efficiency or performance exceeding an amount of ten (10) percent, as originally specified and proposed.