

April 9, 2009

H 1387. SOLAR COLLECTORS ON RESIDENTIAL PROPERTIES. Filed 4/9/09. *TO REDUCE THE CURRENT LIMITATIONS ON CITY ORDINANCES, COUNTY ORDINANCES, DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR RESIDENCES AND TO CHANGE THE AUTHORITY TO AWARD ATTORNEYS' FEES TO ONLY THE PREVAILING PROPERTY OWNER.*

Amends GS 160A-201, GS 153A-144, and GS 22B-20 to prohibit any city ordinance, county ordinance, deed restriction, covenant, or other binding agreement that runs with the land from prohibiting or having the effect of prohibiting the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for a residential property (was, detached single family residence), except for an ordinance or restriction regulating the location or screening of such collectors, so long as the effect of such an ordinance or restriction is not to prevent the reasonable use of a solar collector. Authorizes the court to award costs and reasonable attorneys' fees in any civil action arising under these statutes to the prevailing property owner (was, prevailing party). Makes conforming changes. Amends GS 160A-400.4 to clarify that the prohibition on ordinances relating to solar collectors applies also to zoning ordinances pertaining to historic districts. Allows a zoning ordinance to require the use of measures to ensure that the use of solar collectors is not incongruous with the special character of the district. Makes conforming and organizational changes. Effective October 1, 2009.

Intro. by Fisher, Harrison.

GS 22B, 153A, 160A

May 7, 2009

H 1387. SOLAR COLLECTORS ON RESIDENTIAL PROPERTIES. Filed 4/9/09. House committee substitute makes the following changes to 1st edition. Changes the title to *AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY.*

Amends GS 160A-201(a), GS 153A-144(a), and GS 22B-20(b) by defining the term *residential property*, as used in those sections, as "property where the predominant use is for residential purposes." Restores GS 160A-201(c), GS 153A-144(c), and GS 22B-20(d), which provide that those sections do not prohibit an ordinance (regarding GS 160A-201 and GS 153A-144) or a deed restriction, covenant, or similar building agreement (regarding GS 153A-144) that would prohibit the location of solar collectors that are visible by a person on the ground: (1) on the façade of a structure that faces areas open to common or public access; (2) on a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or (3) within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade, and those areas of common or public access faced by the structure. Restores the original language in GS 160A-201(d), GS 153A-144(d), and GS 22B-20(e), which permits the court to award costs and reasonable attorneys' fees to the prevailing party (not only the property owner, as provided in the 1st edition) in any civil action arising under those sections. Makes technical and conforming changes.

August 5, 2009

H 1387. SOLAR COLLECTORS ON RESIDENTIAL PROPERTIES. Filed 4/9/09. Senate committee substitute makes the following changes to 2nd edition. As amended in the 2nd edition, GS 22B-20 makes any deed restriction, covenant, or agreement that runs with the land that would prohibit or have the effect of prohibiting the installation of a solar collector as a substitute for a traditional energy source for a *residential property*, void and unenforceable. Amends GS 22B-20 to exclude any condominium created under GS Chapter 47A or 47C and meeting additional prescribed specifications from being defined as *residential property* and therefore not subject to the limitations on deed restrictions regulating the installation of solar collectors. Also provides that, if an owners' association is responsible for the exterior maintenance of a structure containing individual residences, a deed restriction, covenant, or similar binding agreement that runs with the land may provide that the title owner (1) is responsible for any damages caused by the

installation, removal, or existence of solar collectors; (2) must hold the association harmless for any damages connected with the solar collector; and (3) cannot hold the association responsible for maintenance, repair, or replacement of solar collectors unless such an arrangement is expressly agreed to in writing and recorded in the office of the register of deeds in the county where the property is located. Provides that *owners' association* has the same meaning as in GS 47F-1-103. Changes the act's effective date to December 1, 2009 (was, October 1, 2009).

September 1, 2009

SL 2009-553 (H 1387). SOLAR COLLECTORS ON RESIDENTIAL PROPERTIES. AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY EXCEPT CERTAIN MULTI-STORY CONDOMINIUMS. Summarized in *Daily Bulletin* 4/9/09, 5/7/09, and 8/5/09. Enacted August 28, 2009. Effective December 1, 2009.