

1 covenant, restriction, or condition contained in any deed,
2 contract, security instrument, or other instrument affecting the
3 transfer or sale of, or any interest in, real property, and any
4 provision of a governing document of a housing development or
5 association that effectively prohibits or restricts the
6 installation or use of a solar energy system is void and
7 unenforceable: *Provided*, That in instances involving a housing
8 development or association, an association may, by vote of its
9 members, establish or remove a restriction that prohibits or
10 restricts the installation or use of a solar energy system.

11 (b) For the purposes of this section:

12 (1) "Solar energy system" means a system affixed to a building
13 or buildings that uses solar devices, which are thermally isolated
14 from living space or any other area where the energy is used, to
15 provide for the collection, storage, or distribution of solar
16 energy; and

17 (2) "reasonable restriction" means those restrictions that do
18 not effectually result in a prohibition of their use by eliminating
19 the system's energy conservation benefits or economic practicality.

20 (c) This section does not apply to provisions that impose
21 reasonable restrictions on solar energy systems including
22 restrictions for historical preservation, architectural
23 significance, religious or cultural importance to a given
24 community. Nothing in this section precludes the regulation of

1 solar energy systems by state and local authorities which may
2 establish land use, health and safety standards. Nothing in this
3 section precludes home associations, condominiums or unit
4 properties from restricting or limiting the installation of solar
5 energy systems installed in common areas and common structures.

6