

Section 1 - Sample Provision Excerpt (Public Preview)

Skylights or Solar Panels: These are not acceptable if they can be seen from any street.
Skylight framing and flashing must be compatible in color with the roof and present as low a silhouette as possible.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1 (p. 3): Solar restriction conflicts with the California Solar Rights Act (Cal. Civ. Code §§ 714 & 4746).

Statutory / Legal Reference: Cal. Civ. Code § 714 & 4746

Statutory Comparison: Under Cal. Civ. Code § 714, any covenant, restriction, or condition contained in any governing document that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable. Reasonable restrictions are limited to those that do not increase the cost of the system by more than \$1,000 (for photovoltaic systems) or decrease its efficiency by more than 10%...

CURRENT WORDING IN DOCUMENT:

Skylights or Solar Panels: These are not acceptable if they can be seen from any street.
Skylight framing and flashing must be compatible in color with the roof and present as low a silhouette as possible.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code §§ 714 and 4746, no architectural rule or covenant shall prohibit or effectively prohibit the installation of a solar energy system, nor impose any condition that increases the cost of a solar photovoltaic system by more than One Thousand Dollars (\$1,000) or decreases its efficiency by more than ten percent (10%) as originally specified and proposed.