ISSUE #1

Section 25. - Sample Provision Excerpt (Public Preview)

Energy Conservation Equipment. No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any Lot unless it is an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the Committee pursuant to Article IX of this Declaration.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 25. (p. 1): Clause imposes an absolute ban on solar power devices without recognizing the statutory homeowner petition and approval pathway under Ind. Code § 32-25.5-3.5 (HEA 1196).

Statutory / Legal Reference: Ind. Code § 32-25.5-3.5-1 to 32-25.5-3.5-5 (HEA 1196)

Statutory Comparison: Clause imposes an absolute ban on solar power devices without recognizing the statutory homeowner petition and approval pathway under Ind. Code § 32-25.5-3.5 (HEA 1196).

CURRENT WORDING IN DOCUMENT:

Energy Conservation Equipment. No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any Lot unless it is an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the Committee pursuant to Article IX of this Declaration.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend provision to conform with controlling statute.