ISSUE #1

MARKUP #1 ->

Section 1: [ECC Guidelines, Section 4.12 (Solar Collectors and Roof Appurtenances)] Prohibition on Street-Facing Sola

Solar energy collectors, skylights, and roof-mounted mechanical equipment shall not be installed on any roof slope visible from a street, golf course, or adjacent Lot without the express written approval of the Environmental Control Committee, which may deny any solar installation it deems aesthetically incompatible with the neighborhood.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Clause prohibits or prevents the installation of residential solar collectors/panels in violation of La. R.S. § 9:1255.

Statutory / Legal Reference: La. R.S. § 9:1255

Statutory Comparison: Under La. R.S. § 9:1255(A) - (B), no person or entity, including any homeowners association or property owners association, shall enact or enforce a building restriction, covenant, or rule that prohibits or has the unreasonable effect of preventing the installation of a solar collector on a residential roof or lot.

CURRENT WORDING IN DOCUMENT:

[ECC Guidelines, Section 4.12 (Solar Collectors and Roof Appurtenances)] Prohibition on Street-Facing Sola Solar energy collectors, skylights, and roof-mounted mechanical equipment shall not be installed on any roof slope visible from a street, golf course, or adjacent Lot without the express written approval of the Environmental Control Committee, which may deny any solar installation it deems aesthetically incompatible with the neighborhood.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to La. R.S. § 9:1255, no provision of the Community Documents shall prohibit or have the unreasonable effect of preventing the installation or use of solar collectors on an Owner's residential property.