ISSUE #1

Section 1: [Article IX, Section 9.4] Use Restrictions - Solar Collectors and Exterior Clotheslines

No solar panels, solar collectors, exterior clotheslines, or outdoor drying racks shall be erected, installed, or maintained on any Unit roof, patio, deck, or Limited Common Element within McIntire Woods Condominium.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Architectural covenant prohibits or unreasonably restricts the installation or use of solar energy devices in violation of 33 M.R.S. §§ 1401 - 1402.

Statutory / Legal Reference: 33 M.R.S. §§ 1401 - 1402

Statutory Comparison: Under 33 M.R.S. § 1402, any covenant, restriction, or condition contained in a deed, contract, declaration, bylaw, or rule that prohibits or unreasonably restricts the installation or use of a solar energy device or clothesline on residential property is void and unenforceable as a matter of public policy.

CURRENT WORDING IN DOCUMENT:

[Article IX, Section 9.4] Use Restrictions - Solar Collectors and Exterior Clotheslines No solar panels, solar collectors, exterior clotheslines, or outdoor drying racks shall be erected, installed, or maintained on any Unit roof, patio, deck, or Limited Common Element within McIntire Woods Condominium.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 33 M.R.S. §§ 1401 - 1402, no provision of the Governing Documents shall prohibit or unreasonably restrict the installation or use of a solar energy device (including solar collectors and photovoltaic panels) or a clothesline, subject only to reasonable safety and aesthetic guidelines that do not impair device performance or unreasonably increase cost.