ISSUE #1

Section 1: [Restrictive Covenants & Building Rules, Section 6 (Alternative Energy & EV Chargers)] Ban on Exterior Elec

No solar energy panels, wind generators, heat pumps, or exterior electric vehicle charging stations shall be installed on the exterior of any dwelling or Lot within the Lake Isabella subdivision without a special exception granted by unanimous vote of the Board of Directors.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Clause prohibits solar energy systems, clotheslines, or other protected energy-saving improvements in conflict with the Michigan Homeowners' Energy Policy Act (2024 PA 68 / HB 5028).

Statutory / Legal Reference: Michigan Homeowners' Energy Policy Act, 2024 PA 68 (HB 5028), MCL 559.305 - 559.311

Statutory Comparison: Under the Michigan Homeowners' Energy Policy Act (2024 PA 68 / HB 5028), any provision in a governing document that prohibits or requires homeowners association approval for a member to replace, maintain, install, or operate an energy-saving improvement or modification (including clotheslines, air source or ground source heat pumps, insulation, rain barrels, reflective roofing, or EV supply equipment) is invalid and unenforceable. Additionally, an association may not prohibit a member from installing a solar energy system on an owner-maintained roof or impose conditions that increase installation cost by more than $1,000 or decrease solar efficiency by more than 10%, and must approve or deny solar applications in writing within 30 days.

CURRENT WORDING IN DOCUMENT:
[Restrictive Covenants & Building Rules, Section 6 (Alternative Energy & EV Chargers)] Ban on Exterior Elec No solar energy panels, wind generators, heat pumps, or exterior electric vehicle charging stations shall be installed on the exterior of any dwelling or Lot within the Lake Isabella subdivision without a special exception granted by unanimous vote of the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Notwithstanding anything herein to the contrary, pursuant to the Michigan Homeowners' Energy Policy Act (2024 PA 68 / HB 5028), the Association shall not prohibit the installation or operation of energy-saving improvements (including clotheslines, heat pumps, rain barrels, and EV supply equipment) or rooftop solar energy systems. Any solar application shall be processed in writing within thirty (30) days of receipt in accordance with the Association's written Solar Energy Policy Statement.