ISSUE #1

Section 1: [Article IX, Section 9.12] Solar Energy Collectors

No solar panels or solar energy collectors may be installed on any roof slope visible from a public or private street, and the Architectural Review Committee may deny any solar installation on detached single-family dwellings if it determines the panels are aesthetically incompatible with the neighborhood.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Architectural covenant prohibits or unreasonably restricts solar energy systems in violation of Utah Code §§ 57-8a-701 to 57-8a-703.

Statutory / Legal Reference: Utah Code §§ 57-8a-701 to 57-8a-703 & § 57-8a-218(14)

Statutory Comparison: Under Utah Code §§ 57-8a-701 through 57-8a-703, a governing document other than a declaration recorded before January 1, 2017 may not prohibit a lot owner from installing a solar energy system, and any rule or restriction may not decrease the solar energy system's production by more than 10% or increase the cost of installation by more than 5% (or $1,000).

CURRENT WORDING IN DOCUMENT:

[Article IX, Section 9.12] Solar Energy Collectors No solar panels or solar energy collectors may be installed on any roof slope visible from a public or private street, and the Architectural Review Committee may deny any solar installation on detached single-family dwellings if it determines the panels are aesthetically incompatible with the neighborhood.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Utah Code §§ 57-8a-701 through 57-8a-703, the Association shall not prohibit an owner from installing a solar energy system on a roof or lot for which the owner is responsible for maintenance, nor enforce design restrictions that reduce system production by more than ten percent (10%) or increase installation cost by more than five percent (5%).