Section C - Sample Provision Excerpt (Public Preview)

Solar panels are prohibited.
Location and placement may be allowed, under Virginia Code, for homeowner to install a system size that is up to and within the limitations of the current net metering code. Solar panel installation must be reviewed and approved by the Covenants Committee.
Solar Panels
Recreation and Play Equipment->Basketball Backboards

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING
BOARD & COUNSEL REVIEW

Sec. C (p. 1): Solar energy restriction prohibits solar devices outside the recorded Declaration or imposes placement limits without the mandatory 5% cost / 10% efficiency safe harbor under Va. Code Ann. § 55.1-1820.1.

Statutory / Legal Reference: Va. Code Ann. § 55.1-1820.1

Statutory Comparison: Under Va. Code Ann. § 55.1-1820.1, no association shall prohibit an owner from installing a solar energy collection device on that owner's property unless the recorded declaration for the association establishes such a prohibition. While an association may establish reasonable restrictions concerning the size, place, and manner of placement of solar energy collection devices on property...

CURRENT WORDING IN DOCUMENT:
Solar panels are prohibited. Location and placement may be allowed, under Virginia Code, for homeowner to install a system size that is up to and within the limitations of the current net metering code. Solar panel installation must be reviewed and approved by the Covenants Committee. Solar Panels Recreation and Play Equipment->Basketball Backboards Old...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to Va. Code Ann. § 55.1-1820.1, unless expressly prohibited by the recorded Declaration, an Owner may install a solar energy collection device on property designated and intended for individual ownership and use. The Association may enforce reasonable restrictions on the size, place, and manner of placement, provided that no restriction shall be enforced if an independent solar panel...