

HOUSE BILL 71

N1

8lr0748

(PRE-FILED)

By: **Delegate Montgomery**

Requested: October 9, 2007

Introduced and read first time: January 9, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums – Solar Panels – Restrictive Covenants**

3 FOR the purpose of prohibiting a recorded covenant or restriction, a provision in a
4 declaration, or a provision in the bylaws or rules of a condominium from
5 imposing or acting to impose unreasonable limitations on the installation of
6 solar collection panels on the roof or exterior walls of the condominium building;
7 providing that, with respect to condominium buildings that are certain historic
8 property, restrictive covenants may impose certain limitations on the
9 installation of solar collection panels on the building; and generally relating to
10 the installation of solar collection panels on condominium buildings.

11 BY adding to

12 Article – Real Property

13 Section 11-111.4

14 Annotated Code of Maryland

15 (2003 Replacement Volume and 2007 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Real Property**

19 **11-111.4.**

20 (A) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RECORDED**
21 **COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION**
22 **IN THE BYLAWS OR RULES OF A CONDOMINIUM MAY NOT IMPOSE OR ACT TO**
23 **IMPOSE UNREASONABLE LIMITATIONS ON THE INSTALLATION OF SOLAR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **COLLECTION PANELS ON THE ROOF OR EXTERIOR WALLS OF THE CONDOMINIUM**
2 **BUILDING.**

3 **(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS**
4 **SECTION, A RESTRICTIVE COVENANT MAY IMPOSE LIMITATIONS ON THE**
5 **INSTALLATION OF SOLAR COLLECTION PANELS ON CONDOMINIUM BUILDINGS**
6 **THAT ARE HISTORIC PROPERTIES LISTED BY:**

7 **(1) THE MARYLAND INVENTORY OF HISTORIC PROPERTIES; OR**

8 **(2) THE MARYLAND REGISTER OF HISTORIC HOMES.**

9 **(C) THE LIMITATIONS IMPOSED UNDER SUBSECTION (B) OF THIS**
10 **SECTION:**

11 **(1) MAY GOVERN THE SIZE, COLOR, AND LOCATION OF A SOLAR**
12 **COLLECTION PANEL TO ENSURE AN UNOBTRUSIVE APPEARANCE; BUT**

13 **(2) MAY NOT PREVENT THE ECONOMICAL INSTALLATION OF A**
14 **SOLAR COLLECTION PANEL.**

15 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
16 **October 1, 2008.**