

HOUSE BILL 84

N1, L6

8lr0417

By: **Delegates Barve, Frush, Hubbard, Ivey, Morhaim, and Pendergrass**

Introduced and read first time: January 11, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Homeowners Associations and Municipalities – Solar Collection Panels –**
3 **Regulation**

4 FOR the purpose of prohibiting the legislative body of any incorporated municipality
5 from passing an ordinance preventing a homeowner from installing a solar
6 collection panel on the roof of a residence; providing that a homeowners
7 association may not pass a recorded covenant or restriction, a provision in a
8 declaration, or a provision of the bylaws or rules of a homeowners association
9 that imposes unreasonable restrictions on a lot owner installing a solar
10 collection panel on the roof of a residence; providing that a homeowners
11 association may adopt a recorded covenant or restriction, a provision in a
12 declaration, or a provision of the bylaws or rules of a homeowners association
13 that imposes limited regulations governing the size and color of a solar
14 collection panel; and generally relating to the regulation of the installation of
15 solar collection panels by municipal corporations and homeowners associations.

16 BY repealing and reenacting, with amendments,
17 Article 23A – Corporations – Municipal
18 Section 2(b)(5)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2007 Supplement)

21 BY adding to
22 Article – Real Property
23 Section 11B–113.6
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article 23A – Corporations – Municipal**

2 2.

3 (b) In addition to, but not in substitution of, the powers which have been, or
4 may hereafter be, granted to it, such legislative body also shall have the following
5 express ordinance–making powers:

6 (5) To make reasonable regulations concerning buildings and signs to
7 be erected within the limits of the municipality, including a building code and the
8 requirement for building permits, **PROVIDED THAT A LEGISLATIVE BODY OF ANY**
9 **INCORPORATED MUNICIPALITY MAY NOT PASS ANY ORDINANCE THAT IMPOSES**
10 **OR ACTS TO IMPOSE AN UNREASONABLE LIMITATION ON THE INSTALLATION OF**
11 **A SOLAR COLLECTION PANEL ON THE ROOF OF A RESIDENCE, UNLESS THE**
12 **RESIDENCE IS ON HISTORIC PROPERTY THAT IS LISTED BY THE MARYLAND**
13 **INVENTORY OF HISTORIC PROPERTIES OR THE MARYLAND REGISTER OF**
14 **HISTORIC PROPERTIES.**

15 **Article – Real Property**

16 **11B–113.6.**

17 (A) (1) **A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**
18 **DECLARATION, OR A PROVISION OF THE BYLAWS OR RULES OF A HOMEOWNERS**
19 **ASSOCIATION MAY NOT IMPOSE OR ACT TO IMPOSE AN UNREASONABLE**
20 **LIMITATION ON THE INSTALLATION OF A SOLAR COLLECTION PANEL ON THE**
21 **ROOF OF A RESIDENCE.**

22 (2) **A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**
23 **DECLARATION, OR A PROVISION OF THE BYLAWS OR RULES OF A HOMEOWNERS**
24 **ASSOCIATION MAY IMPOSE OR ACT TO IMPOSE LIMITED REGULATIONS**
25 **GOVERNING THE SIZE AND COLOR OF A SOLAR COLLECTION PANEL THAT DO**
26 **NOT PREVENT THE ECONOMICAL INSTALLATION OF A SOLAR COLLECTION**
27 **PANEL.**

28 (B) **THIS SECTION DOES NOT APPLY TO A RESIDENCE ON HISTORIC**
29 **PROPERTY THAT IS LISTED BY:**

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

31 (2) **THE MARYLAND REGISTER OF HISTORIC PROPERTIES.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2008.