

STATE OF NEW YORK

5051

2019-2020 Regular Sessions

IN SENATE

April 4, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to the regulation by homeowners' associations of the installation of solar panels on roofs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new article 16
2 to read as follows:

ARTICLE 16

HOMEOWNERS' ASSOCIATIONS; REGULATION OF SOLAR PANEL

INSTALLATION

Section 480. Homeowners' associations; regulation of solar panel installation.

8 § 480. Homeowners' associations; regulation of solar panel installation.
9 1. No homeowners' association shall, by deed restriction, covenant, or similar binding agreement running with the land, prohibit or
10 have the effect of prohibiting photovoltaic solar panels from being
11 installed on the roofs of buildings erected on lots or parcels of land
12 located within the jurisdiction of the homeowners' association.

14 2. Notwithstanding the provisions of subdivision one of this section,
15 a homeowners' association may require approval for the installation of
16 photovoltaic solar panels on roofs and may establish restrictions for
17 their installation, provided that:

18 (a) such approval requirements and restrictions are reasonable, not
19 arbitrary, and applied in a uniform manner to all homeowners' associ-
20 ation members; and

21 (b) such approval process and restrictions shall not have the effect
22 of impairing the effective operation and performance, or increasing the
23 cost, of the photovoltaic solar panel system.

24 3. A homeowners' association may determine the specific location on
25 the roof where such photovoltaic solar panels may be installed, provided

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 that such panels face forty-five degrees of due south and such location
2 does not impair the effective operation and performance of the photovol-
3 taic solar panel system.

4 § 2. This act shall take effect on the sixtieth day after it shall
5 have become a law.