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:

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

ARTICLE 16
HOMEOWNERS' ASSOCIATIONS; REGULATION OF SOLAR PANEL INSTALLATION

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

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

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

(a) such approval requirements and restrictions are reasonable, not arbitrary, and applied in a uniform manner to all homeowners' association members; and

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

3. A homeowners' association may determine the specific location on 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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that such panels face forty-five degrees of due south and such location does not impair the effective operation and performance of the photovoltaic solar panel system.

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