

SECOND REGULAR SESSION

HOUSE BILL NO. 1507

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MCNEIL (Sponsor), BERRY, ENGLISH, MITTEN,
MEREDITH AND KIRKTON (Co-sponsors).

4937L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to the homeowners' solar rights act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 442, RSMo, is amended by adding thereto one new section, to be known as section 442.011, to read as follows:

442.011. 1. This section shall be known and may be cited as the "Homeowners' Solar Rights Act".

2. As used in this section, the following terms shall mean:

(1) "Solar collector":

(a) An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct and indirect solar energy, specially designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid, or liquid or to use that energy directly; or

(b) A mechanism that absorbs solar energy and converts it into electricity; or

(c) A mechanism or process used for gathering solar energy through wind or thermal gradients; or

(d) A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity;

(2) "Solar energy", radiant energy received from the sun at wave lengths suitable for heat transfer, photosynthetic use, or photovoltaic use;

(3) "Solar energy system":

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (a) A complete assembly, structure, or design of solar collector, or a solar storage
18 mechanism, which uses solar energy for generating electricity or for heating or cooling
19 gases, solids, liquids, or other materials; and

20 (b) The design, materials, or elements of a system and its maintenance, operation,
21 and labor components, and the necessary components, if any, of supplemental conventional
22 energy systems designed or constructed to interface with a solar energy system;

23 (4) "Solar storage mechanism", equipment or elements (such as piping and transfer
24 mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or
25 combinations thereof) that are utilized for storing solar energy, gathered by a solar
26 collector, for subsequent use.

27 3. Notwithstanding any provision of this section or other provision of law, the
28 adoption of a bylaw or exercise of any power by the governing entity of a homeowners'
29 association, common interest community association, or condominium unit owners'
30 association which prohibits or has the effect of prohibiting the installation of a solar energy
31 system is expressly prohibited.

32 4. No deed restrictions, covenants, or similar binding agreements running with the
33 land shall prohibit or have the effect of prohibiting a solar energy system from being
34 installed on a building erected on a lot or parcel covered by the deed restrictions,
35 covenants, or binding agreements, if the building is subject to a homeowners' association,
36 common interest community association, or condominium unit owners' association. A
37 property owner may not be denied permission to install a solar energy system by any entity
38 granted the power or right in any deed restriction, covenant, or similar binding agreement
39 to approve, forbid, control, or direct alteration of property. However, for purposes of this
40 section, the entity may determine the specific location where a solar energy system may be
41 installed on the roof within an orientation to the south or within forty-five degrees east or
42 west of due south provided that the determination does not impair the effective operation
43 of the solar energy system. Each homeowners' association, common interest community
44 association, or condominium unit owners' association shall adopt an energy policy
45 statement regarding the location, design, and architectural requirements of solar energy
46 systems within one hundred twenty days after an association receives a request for a policy
47 statement or an application from an association member. An association shall disclose,
48 upon request, its energy policy statement and shall include the statement in its
49 homeowners' common interest community, or condominium unit owners' association
50 declaration.

51 5. A solar energy system shall meet applicable standards and requirements imposed
52 by state and local permitting authorities.

53 **6. Whenever approval is required for the installation or use of a solar energy**
54 **system, the application for approval shall be processed by the appropriate approving entity**
55 **of the association within ninety days after the submission of the application. However, if**
56 **an application is submitted before an energy policy statement is adopted by an association,**
57 **the ninety-day period shall not begin to run until the date that the policy is adopted.**

58 **7. Any entity, other than a public entity, that willfully violates this section shall be**
59 **liable to the applicant for actual damages occasioned thereby and for any other**
60 **consequential damages. Any entity that complies with the requirements of this section**
61 **shall not be liable to any other resident or third party for such compliance.**

62 **8. In any litigation arising under this section, the prevailing party shall be entitled**
63 **to costs and reasonable attorney's fees.**

64 **9. This section shall not apply to any building which is greater than thirty feet in**
65 **height.**

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