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H.B. 20
133rd General Assembly

Bill Analysis

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Version: As Introduced

Primary Sponsor: Rep. Blessing

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Summary

- Prohibits homeowners, neighborhood, civic, and other associations from imposing unreasonable restrictions on the installation of solar collector systems on roofs or exterior walls under the ownership or exclusive use of a property owner.
- Prohibits condominium properties from imposing unreasonable restrictions on the installation of solar collector systems on roofs or exterior walls so long as there are no competing uses in the space.
- Guarantees property owners subject to homeowners, neighborhood, civic, and other association regulations, and unit owners subject to condominium property regulations, the ability to negotiate for solar access easements.

Detailed Analysis

The bill prohibits homeowners, neighborhood, civic, and other associations, as well as condominium properties, from imposing unreasonable limitations on the installation of solar collector systems in certain locations. Specifically, with regard to homeowners, neighborhood, civic, and other associations, the bill prohibits unreasonable restrictions on the installation of solar collectors on the roof or exterior walls of any improvement that the property owner owns or has the exclusive right to use. With regard to condominium properties, the bill prohibits unreasonable restrictions on the installation of solar collectors on the roof or exterior walls of improvements, so long as there is no competing use of the roof or exterior walls.¹

Both "**solar collector system**" and "**unreasonable limitation**" are defined terms in the bill. A solar collection system is a solar collector or other solar energy device, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. "Unreasonable

¹ R.C. 5301.073(B) and 5311.192(B).

limitation" includes a limitation that significantly increases the cost, or significantly decreases the efficiency, of the solar collector system.² Use of the term "includes" as opposed to "means" indicates that other types of limitations can be found to be unreasonable, but that a limitation such as that specified in the bill is certain to be unreasonable. (See **Comment.**)

The bill also addresses solar easements in areas subject to association or condominium regulations. Continuing law, unaffected by the bill, allows any person to grant a solar access easement to ensure adequate access to sunlight for solar energy collection devices. Once granted, the owner of property benefited by the solar access easement can prevent any obstruction of the solar access the easement guarantees.

The bill establishes that property owners subject to homeowner, neighborhood, civic, and other association regulations, and unit owners in condominium properties, who install or intend to install solar collector systems, may negotiate to obtain solar access easements as they are described in continuing law.³

Comment

While an "**unreasonable limitation**" is one that significantly increases the cost or significantly decreases the efficiency of a solar collector system, the bill does not define what constitutes a "significant" increase or decrease.

History

Action	Date
Introduced	02-12-19

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² R.C. 5301.073(A) and (B) and 5311.192(A) and (B).

³ R.C. 5301.073(C) and 5311.192(C); R.C. 5301.63, not in the bill.