

FINAL BILL REPORT

SSB 5136

C 51 L 09

Synopsis as Enacted

Brief Description: Regulating the use of solar energy panels by members of homeowners' associations.

Sponsors: Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Rockefeller, Fairley, Tom, Marr, Fraser, McDermott, Shin, Sheldon, McAuliffe, Jacobsen, Kline and Hatfield).

Senate Committee on Financial Institutions, Housing & Insurance
House Committee on Judiciary

Background: Homeowners' associations generally levy and collect assessments, manage and maintain common property for the benefit of the residents, and enforce covenants that govern developments. The authority to carry out these functions comes from governing documents such as the declaration of covenants, conditions, and restrictions.

Restrictive covenants are recorded in property deeds and may regulate such broad issues as the architectural designs of homes, schemes of landscaping, the size of mailboxes, and the placement of satellite dishes or antennas. A person who purchases property within a subdivision governed by a homeowner's association and subject to restrictive covenants becomes a member of the association and generally must abide by the restrictive covenants.

Summary: Homeowners' associations' governing documents may not prohibit the installation of solar energy panels by an owner or resident on the owner's or resident's property, as long as it meets applicable health and safety standards and other requirements determined by the type of solar panel. Solar water heaters must be certified by a nationally recognized certification agency, and electricity-producing solar panels must meet certain safety and performance standards, including those set by the national electric code, accredited laboratories, and rules of the utilities and transportation commission for safety and reliability.

The governing documents may include some reasonable rules and regulations regarding the placement and aesthetic impact of solar energy panels, including restricting visibility, requiring painting, or requiring shielding of a ground mounted panel if doing so is economically feasible and does not reduce operating quality by more than 10 percent. The governing documents may also require owners or residents installing solar panels to

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indemnify or reimburse the association or its members for any loss or damage caused by installation, maintenance, or use of the solar panel, and may restrict or prevent installation of solar panels in common areas.

This prohibition applies retroactively and renders any inconsistent section of an existing homeowner's association's governing documents void and unenforceable.

Votes on Final Passage:

Senate	45	0
House	62	35

Effective: July 26, 2009