
SENATE BILL 5136

State of Washington

61st Legislature

2009 Regular Session

By Senators Hobbs, Rockefeller, Fairley, Tom, Marr, Fraser, McDermott, Shin, Sheldon, McAuliffe, Jacobsen, Kline, and Hatfield

Read first time 01/14/09. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to the use of solar energy panels by members of
2 homeowners' associations; and adding a new section to chapter 64.38
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.38 RCW
6 to read as follows:

7 (1) The governing documents may not prohibit the installation of a
8 solar energy panel by an owner or resident on the owner's or resident's
9 property as long as the solar energy panel:

10 (a) Meets applicable health and safety standards and requirements
11 imposed by state and local permitting authorities;

12 (b) If used to heat water, is certified by the solar rating
13 certification corporation or another nationally recognized
14 certification agency. Certification must be for the solar energy panel
15 and for installation; and

16 (c) If used to produce electricity, meets all applicable safety and
17 performance standards established by the national electric code, the
18 institute of electrical and electronics engineers, accredited testing

1 laboratories, such as underwriters laboratories, and, where applicable,
2 rules of the utilities and transportation commission regarding safety
3 and reliability.

4 (2) The governing documents may:

5 (a) Prohibit the visibility of any part of a roof-mounted solar
6 energy panel above the roof line;

7 (b) Permit the attachment of a solar energy panel to the slope of
8 a roof facing a street only if:

9 (i) The solar energy panel conforms to the slope of the roof; and

10 (ii) The top edge of the solar energy panel is parallel to the roof
11 ridge; or

12 (c) Require:

13 (i) A solar energy panel frame, a support bracket, or any visible
14 piping or wiring to be painted to coordinate with the roofing material;

15 (ii) An owner or resident to shield a ground-mounted solar energy
16 panel if shielding the panel does not prohibit economic installation of
17 the solar energy panel or degrade the operational performance quality
18 of the solar energy panel by more than ten percent; or

19 (iii) Installers of solar energy panels to indemnify or reimburse
20 the association or its members for loss or damage caused by the
21 installation, maintenance, or use of a solar energy panel.

22 (3) The governing documents may include other reasonable rules
23 regarding the placement and manner of a solar energy panel.

24 (4) For purposes of this section, "solar energy panel" means a
25 panel device or system or combination of panel devices or systems that
26 relies on direct sunlight as an energy source, including a panel device
27 or system or combination of panel devices or systems that collects
28 sunlight for use in:

29 (a) The heating or cooling of a structure or building;

30 (b) The heating or pumping of water;

31 (c) Industrial, commercial, or agricultural processes; or

32 (d) The generation of electricity.

33 (5) This section applies retroactively to a governing document in
34 effect on the effective date of this section. A provision in a
35 governing document in effect on the effective date of this section that
36 is inconsistent with this section is void and unenforceable.

--- END ---