

Disclaimer: This is a model guidance document developed by the City of Ann Arbor's Office of Sustainability and Innovations for Homeowner's Associations to reference when crafting their own energy policy statement in accordance with House Bill 5028 – the Homeowners' energy policy act. Homeowners' Associations should consult their legal representative(s) when crafting their policies.

Homeowners' Energy Policy Statement

Herein lies the policy statement regarding the installation and modification of energy-saving improvements or modifications, and solar energy systems in our homeowner's association.

Section 1 – Definitions

As used in this policy statement:

- 1) "Energy-saving improvement or modification" includes, but is not limited to, all of the following:
 - a) A clothesline.
 - b) Air source heat pumps.
 - c) Ground source heat pumps.
 - d) Insulation.
 - e) Rain barrels.
 - f) Reflective roofing.
 - g) Energy efficient appliances.
 - h) Solar water heaters.
 - i) Electric vehicle supply equipment.
 - j) Energy-efficient windows.
 - k) Energy-efficient insulation materials.
- 2) "Member" means an owner of a home or unit that is within the jurisdiction of the homeowners' association.
- 3) "Solar collector" means any of the following:
 - a) An assembly, a structure, or a design, including passive elements, used for gathering, concentrating, or absorbing direct and indirect solar energy, or specially designed for holding a substantial amount of useful thermal energy, that transfers that energy to gas, solid, or liquid or uses that energy directly.
 - b) A mechanism that absorbs solar energy and converts it into electricity.
 - c) A mechanism or process used for gathering solar energy through wind or thermal gradients.
 - d) A component used to transfer thermal energy to a gas, solid, or liquid or convert thermal energy into electricity.
- 4) "Solar energy" means radiant energy received from the sun at a wavelength that is suitable for heat transfer, photosynthetic use, or photovoltaic use.
- 5) "Solar energy system" means a complete assembly, structure, or design of a solar collector, or a solar storage mechanism that uses solar energy for generating electricity or heating or cooling gases, solids, liquids, or other materials. Solar energy system includes the design, materials, or elements of a solar energy system and its maintenance, operation, labor, components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system.

- 6) "Solar storage mechanism" means equipment or elements including, but not limited to, piping and transfer mechanisms, containers, heat exchangers, batteries, or gases, solids, or liquids, or a combination of gases, solids, and liquids, that are used for storing solar energy gathered by a solar collector for subsequent use.

Section 2 – General provisions

- 1) The approval of an adjacent home or unit owner is not required to approve a member's application to install a solar energy system or energy-saving improvement or modification on the member's home or unit.
- 2) The homeowner's association will not do any of the following:
 - a) Inquire into a member's energy usage.
 - b) Impose conditions that impair the operation of a solar energy system or energy-saving improvement or modification.
 - c) Impose conditions that negatively impact any component industry standard warranty.
 - d) Require post installation reporting.
 - e) Require a fee for submitting an application to install a solar energy system or energy-saving improvement or modification above that which is assessed for other applications related to a change to the property.
 - f) Prohibit a member from resubmitting an application to install a solar energy system or energy-saving improvement or modification after a written application was denied by the homeowner's association.
- 3) The member shall comply with state and local building codes and permit requirements in the modification or the installation of a solar energy system or energy-saving improvement or modification.
- 4) A member who wants to install a solar energy system shall comply with the application requirements in Section 3.1.
- 5) A member who has submitted an application to install a solar energy system prior to the effective date of this policy statement may resubmit a written application to install a solar energy system in accordance with Section 3.6.
- 6) A member who wants to install an energy-saving improvement or modification does not need to submit an application to do so, provided they are in compliance with Section 2.3.
- 7) The member with the solar energy system or energy-saving improvement or modification is required to maintain, repair, replace, or remove a damaged or inoperable solar energy system or energy-saving improvement or modification in accordance with [INSERT EXISTING HOA POLICY CONDITIONS FOR NON-SOLAR ENERGY PROJECTS].

Section 3 – Applications and approvals

- 1) Beginning on [INSERT THE EFFECTIVE DATE OF THIS POLICY], a member who wants to install a solar energy system in the member's home or unit shall submit a written application to the homeowners' association. The written application under this section must include all of the following:
 - a) The member's name.
 - b) The street address of the location where the solar energy system will be installed.
 - c) The name and contact information of the company that will install the solar energy system.

- d) An image that shows the layout of the solar energy system on the member's home or unit.
 - e) A description of the solar energy system to be installed.
- 2) The homeowners' association may deny an application to install a solar energy system or require the removal of a solar energy system if one (1) or more of the following apply:
 - a) A court has found that the installation of the solar energy system violates a law.
 - b) The installed solar energy system does not substantially conform with the member's application to install the solar energy system as approved by the homeowners' association.
 - c) The homeowners' association has determined that the solar energy system will be installed on the roof of a home or unit of the member requesting installation and one (1) or more of the following apply:
 - i) The solar energy system will extend above or beyond the roof of that home or unit by more than six (6) inches.
 - ii) The solar energy system does not conform to the slope of the roof and has a top edge that is not parallel to the roof line.
 - iii) The solar energy system has a frame, support bracket, or visible conduit of wiring that is not silver, bronze, or black tone that are commonly available in the marketplace.
 - d) The homeowners' association has determined **both** of the following apply:
 - i) The solar energy system will be installed in a fenced yard or patio rather than on the roof of a home or unit.
 - ii) The solar energy system will be taller than the fence line.
 - 3) The homeowners' association will not deny a member's application to install a solar energy system because of the identity of the entity that owns the solar energy system or the financing method chosen by the member.
 - 4) Except as otherwise provided in this section and in accordance with the policy, the homeowners' association must approve or deny the member's request to install a solar energy system within 30 days after receipt of the written application.
 - 5) If the homeowners' association fails to approve or deny the member's request to install the solar energy system within the time period specified under Section 3.4, the member may proceed with the installation of the solar energy system. If the member proceeds with the installation of the solar energy system, the homeowners' association shall not impose fines or otherwise penalize the member.
 - 6) A member may resubmit a written application to install a solar energy system that was denied by the homeowners' association before the effective date of this policy statement. On receipt of the resubmitted written application, the homeowners' association shall reevaluate the application under this policy statement.

Section 4 – Sharing of the policy

- 1) The homeowners' association shall do the following:
 - a) Make a copy of the policy available to all members within 30 days after the adoption of this policy and upon a new member joining.
 - b) Post a copy of the policy on the website and/or other location(s) where homeowners' association policies are shared.