

## HB 1270 – Effective August 6, 2008

### 2 Main Parts

- Renewable Energy Generation Devices
- Energy Efficiency Measures— Means a device or structure that reduces the amount of energy derived from fossil fuels that is consumed by a residence or business located on real property.

### Energy Generation Devices

- Solar Energy Device— Means a solar collector or other device or a structural design feature of a structure which provides for the collection of sunlight and which comprises part of a system for the conversion of the sun's radiant energy into thermal, chemical, mechanical, or electrical energy.
- Wind-Electric Generator— Meets the Interconnection Standards Published by the Public Utilities Commission

*Experts Say –Need at least ¼ to ½ acre of property without structures.*

### Installation of Energy Generation Devices

- Can't "prohibit or restrict the use" However, Associations CAN: Have reasonable Aesthetic Restrictions IF:
  - Doesn't significantly increase the cost of the device
  - Doesn't significantly decrease performance or efficiency (Litigation – losing party pays)
- Bonafide Safety Requirements
  - Applicable Building Code
  - Recognized Electrical Safety Standard
- Reasonable Restriction on Use of Wind-Electric Generators
  - Reduce interference with use and enjoyment
  - Determined as part of Architectural Review Process

### Placement of Energy Devices

**ONLY** permitted on property owned by the Individual **NOT PERMITTED** on:

- General Common Elements
- Limited Common Elements

### Energy Efficiency Measure

Limited to:

- Awning, shutter, trellis, ramada or other shade structure that is marketed for the purpose of reducing energy consumption;
- Garage or attic fan and any associated vents or louvers;
- Evaporative Cooler

- Energy-efficient outdoor lighting device, including without limitation a light fixture containing a coiled or straight fluorescent light bulb, and any solar recharging panel, motion detector, or other equipment connected to the lighting device; and
- Retractable clothesline

### **Installation of Energy Efficiency Measures**

Can't effectively "prohibit or restrict the installation or use"

Associations CAN:

Institute Reasonable Aesthetic Restrictions that Govern:

- Dimensions
- Placement
- External Appearance

Reasonable Restrictions Must Take Into Account:

- Impact on Purchase Price and Operating Costs
- Impact on Performance
- Criteria Contained in Governing Documents

Institute Bona Fide Safety Requirements consistent with:

- Applicable Building Code
- Recognized Safety Standard

### **Placement of Energy Efficiency Measures**

ONLY permitted on property owned by the Individual:

- Must be placed only on property owned by the individual. May not be placed on general common elements or on limited common elements. Example: the roof is a common element.