

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2234 Session of  
2010

INTRODUCED BY HOUGHTON, SANTARSIERO, MURPHY, BRADFORD, VITALI,  
McILVAINE SMITH, KORTZ, GEORGE, BELFANTI, BROWN, CALTAGIRONE,  
CUTLER, JOSEPHS, SABATINA, M. SMITH AND SWANGER,  
JANUARY 29, 2010

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND  
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 25, 2010

## AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, prohibiting deed  
3 restrictions pertaining to environmental improvements to  
4 property.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 68 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 7104. Prohibition of deed restrictions pertaining to  
10 environmental property improvements.

11 (a) General rule.--No EXCEPT AS PROVIDED IN SUBSECTION (B), ←  
12 NO deed restrictions, covenants or similar binding agreements  
13 running with the land shall prohibit or have the effect of  
14 prohibiting a solar energy system or other energy device based  
15 on a renewable resource from being installed on a building  
16 erected on a lot or parcel covered by the deed restrictions,  
17 covenants or binding agreements. A property owner may not be

1 denied permission to install a solar energy system or other  
2 energy device based on a renewable resource by any entity  
3 granted the power or right in any deed restriction, covenant or  
4 similar binding agreement to approve, forbid, control or direct  
5 alteration of property with respect to residential dwellings or  
6 real property.

7 (B) ASSOCIATIONS.--THE GOVERNING DOCUMENTS OF AN ASSOCIATION ←  
8 CREATED PURSUANT TO SUBPART B (RELATING TO CONDOMINIUMS) OR  
9 SUBPART D (RELATING TO PLANNED COMMUNITIES) MAY PROVIDE  
10 REASONABLE REGULATION OF SOLAR PANELS AND OTHER RENEWABLE  
11 RESOURCE ENERGY DEVICES FOR THE FOLLOWING PURPOSES:

12 (1) TO REQUIRE THAT THE SOLAR PANEL OR OTHER RENEWABLE  
13 RESOURCE ENERGY DEVICE MEETS APPLICABLE HEALTH AND SAFETY  
14 STANDARDS AND REQUIREMENTS IMPOSED BY STATE AND LOCAL  
15 PERMITTING AUTHORITIES.

16 (2) IF USED TO HEAT WATER, THE DEVICE IS CERTIFIED BY  
17 THE SOLAR RATING AND CERTIFICATION CORPORATION OR OTHER  
18 NATIONALLY RECOGNIZED CERTIFICATION AGENCY. CERTIFICATION  
19 MUST BE FOR THE DEVICE ITSELF AND FOR THE METHOD OF  
20 INSTALLATION.

21 (3) IF USED TO PRODUCE ELECTRICITY, THE DEVICE MEETS ALL  
22 APPLICABLE SAFETY AND PERFORMANCE STANDARDS ESTABLISHED BY  
23 THE NATIONAL ELECTRIC CODE, THE INSTITUTE OF ELECTRICAL AND  
24 ELECTRONICS ENGINEERS, ACCREDITED TESTING LABORATORIES, SUCH  
25 AS UNDERWRITERS LABORATORIES, AND APPLICABLE RULES OF  
26 AGENCIES OF THE COMMONWEALTH REGARDING SAFETY AND  
27 RELIABILITY.

28 (4) TO PROHIBIT THE VISIBILITY OF ANY PART OF A ROOF-  
29 MOUNTED DEVICE ABOVE THE ROOF LINE.

30 (5) TO REQUIRE THAT A SOLAR ENERGY PANEL FRAME, A

1 SUPPORT BRACKET OR ANY VISIBLE PIPING OR WIRING TO BE PAINTED  
2 TO COORDINATE WITH THE ROOFING MATERIAL.

3 (6) TO REQUIRE UNIT OWNERS INSTALLING SOLAR ENERGY  
4 PANELS AND OTHER RENEWABLE RESOURCE ENERGY DEVICES TO  
5 INDEMNIFY OR REIMBURSE THE ASSOCIATION OR ITS MEMBERS FOR  
6 LOSS OR DAMAGE CAUSED BY THE INSTALLATION, MAINTENANCE OR USE  
7 OF THE DEVICE.

8 (7) TO INCLUDE OTHER REASONABLE RULES REGARDING THE  
9 PLACEMENT OF SOLAR ENERGY PANELS AND OTHER RENEWABLE RESOURCE  
10 ENERGY DEVICES SO AS TO MAINTAIN THE AESTHETIC QUALITIES OF  
11 THE BUILDINGS AND GROUNDS OF THE COMMUNITY.

12 ~~(b) Exceptions. This~~ (C) EXCEPTION.--THIS section shall  
13 not apply to freestanding solar energy systems that are placed  
14 on a parcel of land within deeded property.

15 Section 2. This act shall take effect in 60 days.

