

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 22, 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~~ SOLAR ENERGY SYSTEMS. ←

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~~ SOLAR ENERGY ←
11 SYSTEMS.

12 (a) General rule.--Except as provided in subsection (b), no
13 deed restrictions, covenants or similar binding agreements
14 running with the land shall prohibit or have the effect of
15 prohibiting a solar energy system or other energy device based ←
16 on a renewable resource from being installed on a building ←
17 RESIDENTIAL DWELLING erected on a lot or parcel covered by the ←

deed restrictions, covenants or binding agreements. A property owner may not be denied permission to install a solar energy system or other energy device based on a renewable resource by any entity granted the power or right in any deed restriction, covenant or similar binding agreement to approve, forbid, control or direct alteration of property with respect to residential dwellings or real property.

~~(b) Associations. The governing documents of an association~~

(B) EXCEPTIONS.--

(1) THIS SECTION SHALL NOT APPLY TO:

(I) LAND SUBJECT TO AN AGRICULTURAL CONSERVATION EASEMENT UNDER THE ACT OF JUNE 30, 1981 (P.L.128, NO.43), KNOWN AS THE AGRICULTURAL AREA SECURITY LAW.

(II) A FREESTANDING SOLAR ENERGY SYSTEM THAT IS PLACED ON A PARCEL OF LAND WITHIN A DEEDED PROPERTY.

(III) A DEED RESTRICTION, COVENANT OR SIMILAR BINDING AGREEMENT THAT AFFECTS LAND SUBJECT TO OPEN SPACE USES, AS THE TERM IS DEFINED IN SECTION 2(4) OF THE ACT OF JANUARY 19, 1968 (1967 P.L.992, NO.442) ENTITLED "AN ACT AUTHORIZING THE COMMONWEALTH OF PENNSYLVANIA AND THE LOCAL GOVERNMENT UNITS THEREOF TO PRESERVE, ACQUIRE OR HOLD LAND FOR OPEN SPACE USES."

(2) THE GOVERNING DOCUMENTS OF AN ASSOCIATION created pursuant to Subpart B (relating to condominiums) or Subpart D (relating to planned communities) may provide reasonable regulation of solar panels and other renewable resource energy devices ENERGY PANELS for the following purposes:

~~(1) (I) To require that the solar panel or other renewable resource energy device meets~~ ENERGY PANELS MEET applicable health and safety standards and requirements

imposed by State and local permitting authorities.

~~(2)~~ If (II) TO REQUIRE THAT, IF used to heat water,
the ~~device is~~ SOLAR ENERGY PANELS ARE certified by the
Solar Rating and Certification Corporation or other
nationally recognized certification agency. Certification
must be for the ~~device itself~~ SOLAR ENERGY PANELS
THEMSELVES and for the method of installation.

~~(3)~~ If (III) TO REQUIRE THAT, IF used to produce
electricity, the ~~device meets~~ SOLAR ENERGY PANELS MEET
all applicable safety and performance standards
established by the National Electric Code, the Institute
of Electrical and Electronics Engineers, accredited
testing laboratories, such as Underwriters Laboratories,
and applicable rules of agencies of the Commonwealth
regarding safety and reliability.

~~(4)~~ (IV) To prohibit the visibility of any part of a
roof-mounted ~~device~~ SOLAR ENERGY PANELS above the roof
line.

~~(5)~~ (V) To require that a solar energy panel frame,
a support bracket or any visible piping or wiring to be
painted to coordinate with the roofing material.

~~(6)~~ (VI) To require unit owners installing solar
energy panels and other renewable resource energy devices
to indemnify or reimburse the association or its members
for loss or damage caused by the installation,
maintenance or use of the ~~device~~ SOLAR ENERGY PANELS.

~~(7)~~ (VII) To include other reasonable rules
regarding the placement of solar energy panels and other
renewable resource energy devices so as to maintain the
aesthetic qualities of the buildings and grounds of the

1 community.

2 ~~(c) Exception. This section shall not apply to freestanding~~ ←
3 ~~solar energy systems that are placed on a parcel of land within~~
4 ~~deeded property.~~

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