

ASSEMBLY, No. 2581

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Concerns installation and maintenance of solar panels in common interest communities.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the installation and maintenance of solar panels
2 in common interest communities and amending P.L.2007, c.153.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.2007, c.153 (C.45:22A-48.2) is amended to
8 read as follows:

9 1. a. An association formed for the management of commonly-
10 owned elements and facilities, regardless of whether organized
11 pursuant to section 1 of P.L.1993, c.30 (C.45:22A-43), shall not
12 adopt or enforce a restriction, covenant, bylaw, rule, or regulation
13 prohibiting the installation of solar collectors on certain roofs of
14 dwelling units, as follows:

15 A roof of a single-family dwelling unit which is solely owned by
16 an individual **】, and which is not designated as a common element**
17 **or common property in the governing documents of an association】;**
18 and

19 A roof of a townhouse dwelling unit, which for the purposes of
20 this subsection means any single-family dwelling unit constructed
21 with attached walls to another such unit on at least one side, which
22 unit extends from the foundation to the roof, and has at least two
23 sides which are unattached to any other building**】, and the repair of**
24 **the roof for the townhouse dwelling unit is designated as the**
25 **responsibility of the owner and not the association in the governing**
26 **documents】.**

27 b. An association may adopt rules to regulate the installation
28 and maintenance of solar collectors on those roofs as specified in
29 subsection a. of this section, in accordance with subsection c. of this
30 section, and as follows:

31 (1) The qualifications, certification, and insurance requirements
32 of personnel or contractors who may install the solar collectors;

33 (2) The location where solar collectors may be placed on roofs;

34 (3) The concealment of solar collectors' supportive structures,
35 fixtures and piping;

36 (4) The color harmonization of solar collectors with the colors
37 of structures or landscaping in the development; and

38 (5) The aggregate size or coverage or total number of solar
39 collectors, provided that the provisions of paragraph (2) of
40 subsection c. below are met.

41 c. (1) An association shall not adopt and shall not enforce any
42 rule related to the installation or maintenance of solar collectors, if
43 compliance with a rule would increase the solar collectors'
44 installation or maintenance costs by an amount which is estimated
45 to be greater than 10 percent of the total cost of the initial

EXPLANATION – Matter enclosed in bold-faced brackets **】thus】 in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 installation of the solar collectors, including the costs of labor and
2 equipment.

3 (2) An association shall not adopt and shall not enforce any rule
4 related to the installation or maintenance of solar collectors, if
5 compliance with the rule inhibits the solar collectors from
6 functioning at their intended maximum efficiency.

7 d. The Commissioner of Community Affairs shall enforce the
8 provisions of P.L.2007, c.153 (C.45:22A-48.2) in accordance with
9 the authority granted under section 18 of P.L.1977,
10 c.419 (C.45:22A-38).

11 e. The provisions of P.L.2007, c.153 (C.45:22A-48.2) shall not
12 apply to associations that are under the control of the developer as
13 provided under section 5 of P.L.1993, c.30 (C.45:22A-47).
14 (cf: P.L.2007, c.153, s.1)

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16 2. This act shall take effect immediately.

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STATEMENT

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21 Under current law, a homeowners' association cannot adopt or
22 enforce a restriction, covenant, bylaw, rule, or regulation
23 prohibiting the installation of solar collectors on roofs of two types
24 of housing: 1) a roof of a single-family dwelling solely owned by an
25 individual which is not designated as a common element or
26 common property in the governing documents of the association;
27 and 2) a roof of a townhouse dwelling unit, where the repair of the
28 roof is designated as the responsibility of the owner and not the
29 homeowners' association in the governing documents.

30 This bill makes clear that homeowners' associations in common
31 interest communities cannot adopt or enforce a restriction,
32 covenant, bylaw, rule or regulation prohibiting the installation of
33 solar collectors on the roof of any single family home or any
34 townhouse located within such a community.