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3 Councilmember Mary M. Cheh

  
Councilmember Charles Allen

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6 Councilmember Anita Bonds

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9 A BILL

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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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19 To clarify that homeowners and cooperative housing association's authority to prohibit or  
20 restrict the installation of solar power devices, asserting that no prohibitions or  
21 unreasonable limitations may be placed upon the installation of solar devices.

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23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
24 act may be cited as the "Solar Cooperative Association Expansion Amendment Act of 2017".

25 Sec. 2. Definitions.

26 For the purposes of this act, the term:

27 (1) "Cooperative housing association" means an association, whether  
28 incorporated or unincorporated, organized for the purpose of owning and operating  
29 residential real property, the shareholders or members of which, by reason of their  
30 ownership of a stock or membership certificate, a proprietary lease or other evidence of  
31 membership, are entitled to occupy a single dwelling unit pursuant to the terms of a  
32 proprietary lease or occupancy agreement.

33 (2) "Homeowners association" means a mandatory membership  
34 association of owners of residential real property created and formed pursuant to a recorded  
35 instrument including a declaration of covenants, limitations, and conditions, which subjects  
36 property within the homeowners association to certain restrictive covenants.

Wagner

37                   (3) "Solar energy collection device" means a system used to capture and use  
38 solar energy, including passive heating panels or building components and solar  
39 photovoltaic apparatus.

40                   Sec. 3. Prohibitions and restrictions.

41                   (a) A homeowners association or cooperative housing association shall not prohibit  
42 an owner from installing or using a solar energy collection device on that owner's property  
43 unless the articles of incorporation expressly prohibit the installation of solar collection  
44 devices.

45                   (b) Subsection (a) of this section shall not be construed to prohibit a homeowners  
46 association or cooperative housing association from:

47                   (1) Prohibiting the installation of a solar energy collection device on the  
48 common elements or in common area within the real property served by the association; or

49                   (2) Establishing reasonable restrictions concerning the size, location, and  
50 manner of installation of a solar energy collection device on the owner's property or on the  
51 common elements or in common area within the real property served by the association.

52                   Sec. 4. Fiscal impact statement.

53                   The Council adopts the fiscal impact statement in the committee report as the fiscal  
54 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
55 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

56                   Sec. 5. Effective date.

57                   This act shall take effect following approval by the Mayor (or in the event of veto by  
58 the Mayor, action by the Council to override the veto), a 30-day period of congressional  
59 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved  
60 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the  
61 District of Columbia Register.