

A-Engrossed
House Bill 2111

Ordered by the House April 14
Including House Amendments dated April 14

Sponsored by Representative GREENLICK; Representative HELM (at the request of Jerry Weinert)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits inclusion of provisions prohibiting installation and use of solar panels for obtaining solar access in declaration or bylaws of planned community.

A BILL FOR AN ACT

1
2 Relating to solar access for residential real property.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 94.550 to 94.783.**

5 **SECTION 2. (1) Except as provided in subsection (3) of this section, a provision in a**
6 **declaration or bylaws of a planned community that prohibits an owner of the roof or other**
7 **exterior portion of a building or improvement on which solar panels may be installed from**
8 **installing or using solar panels for obtaining solar access, as described in ORS 215.044 and**
9 **227.190, is void and unenforceable as a violation of the public policy to protect the public**
10 **health, safety and welfare of the people of Oregon.**

11 **(2) An owner of record of real property subject to an instrument that contains a pro-**
12 **vision described in subsection (1) of this section may file a petition to remove the provision**
13 **in the manner provided in ORS 93.272 for removal of a provision from an instrument con-**
14 **veying or contracting to convey real property.**

15 **(3) A homeowners association may adopt and enforce a provision that imposes reasonable**
16 **size, placement or aesthetic requirements for the installation or use of solar panels described**
17 **in subsection (1) of this section.**

18

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.