

ISSUE #1

Section 1: [Rule 1.11] Prior Board Approval Required for Solar Panels

Storm doors, windows, handrails, solar panels, deck awnings all require Board approval and must be compatible with similar installations previously approved by the Association Board. (This rule shall not apply to the Warner units.)

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Rule 1.11 (p. 1): Subjects solar panel installations to discretionary Board approval and aesthetic compatibility with prior installations, while exempting 'Warner units'.

Statutory / Legal Reference: M.G.L. c. 184, § 23C (Massachusetts Solar Access Law)
Statutory Comparison: Under M.G.L. c. 184, § 23C, any provision in an instrument or rule affecting real property that prohibits or unreasonably restricts the installation or use of a solar energy system is void as against public policy.

CURRENT WORDING IN DOCUMENT:

[Rule 1.11] Prior Board Approval Required for Solar Panels - Storm doors, windows, handrails, solar panels, deck awnings all require Board approval and must be compatible with similar installations previously approved by the Association Board. (This rule shall not apply to the Warner units.)

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Rule 1.11 ([Rule 1.11] Prior Board Approval Required for Solar Panels - Storm doors, windows, handrails, solar panels, deck awnings all require Board approval and must be compatible with similar installations previously approved by the Association Board. (This rule shall not apply to the Warner units.)) to conform with M.G.L. c. 184, § 23C (Massachusetts Solar Access Law) and the manual attorney audit recommendations for Bear Hill Estates Senior Condominium Association.