

ISSUE #1

MARKUP #1 ->

Section 1: [Amended and Restated Declaration, Article VIII, Section 8.11 (Solar Panels & Rooftop Equipment), Minnesota

No solar panels, solar collectors, or similar energy generation devices shall be installed on the roof of any single-family residence if any portion of the panel or mounting hardware is visible from a public street or common area trail.



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Amended and Restated Declaration, Article VIII, Section 8.11 (Solar Panels & Rooftop Equipment) (p. 1): Banning street-visible rooftop solar panels on single-family detached homes violates Minnesota's 2023 HOA Solar Statute

Statutory / Legal Reference: Minn. Stat. § 500.30 & Minn. Stat. § 515B.3-102 (Minnesota Single-Family HOA Solar Rights Statute, 2023 Laws Ch. 60, Art. 12, § 56)
Statutory Comparison: Under Minnesota Laws 2023, Chapter 60, Article 12, Section 56 (codified in Minn. Stat. Ch. 500 / Ch. 515B), an HOA may not prohibit a homeowner of a single-family detached dwelling (where the owner is responsible for roof maintenance and insurance) from installing a solar energy system, nor impose visibility restrictions that reduce estimated solar output by more than 10% or increase cost by more than \$1,000.

CURRENT WORDING IN DOCUMENT:

[Amended and Restated Declaration, Article VIII, Section 8.11 (Solar Panels & Rooftop Equipment)] Prohibition on Rooftop Solar Panels Visible From Public Streets - No solar panels, solar collectors, or similar energy generation devices shall be installed on the roof of any single-family residence if any portion of the panel or mounting hardware is visible from a public street or common area trail.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Amended and Restated Declaration, Article VIII, Section 8.11 (Solar Panels & Rooftop Equipment) ([Amended and Restated Declaration, Article VIII, Section 8.11 (Solar Panels & Rooftop Equipment)] Prohibition on Rooftop Solar Panels Visible From Public Streets - No solar panels, solar collectors, or similar energy generation devices shall be installed on the roof of any single-family residence if any portion of the panel or mounting hardware is visible from a public street or common area trail.) to conform with Minn. Stat. § 500.30 & Minn. Stat. § 515B.3-102 (Minnesota Single-Family HOA Solar Rights Statute, 2023 Laws Ch. 60, Art. 12, § 56) and the manual attorney audit recommendations for Kingswood Farm Homeowners Association.