

Raintree Village Homeowners Association

Solar Energy Policy Statement

In compliance with Public Act 68 of 2024, (legislature.mi.gov/documents/2023-2024/publicact/htm/2024-PA-0068.htm) the Board of Directors for Raintree Village Homeowners Association confirms the following Solar Energy Policy Statement:

Raintree Village Homeowners Association (RVHA) does not regulate solar energy devices located entirely on the Owner's Lot. Owners may not place solar energy devices in RVHA Commons Areas adjacent to their lot. There are no RVHA enforced solar energy standards. RVHA does not require written notification regarding installation of a solar energy device on the Owner's Lot. Owners need to comply with the building code standards set by the City of Troy.

These are the state law items from Public Act 68 of 2024 that RVHA complies with and are included within the official RVHA policy by reference:

Sec. 9.

(1) Within 1 year after the effective date of this act, each homeowners' association in this state shall adopt a written solar energy policy statement. A policy adopted under this subsection must not conflict with an existing local, state, or federal law. All of the following apply to a policy adopted in accordance with this subsection:

- (a) The policy must include the standards established under this act to be enforced by the homeowners' association.
- (b) The policy may not prohibit elements of the solar energy system from being installed on a roof face.
- (c) The policy may not require that a specific technology be utilized for the installation of a solar energy system, including, but not limited to, solar shingles rather than traditional solar panels.
- (d) Any standards enforced under the policy may not result in a reduction in the production of electricity by the solar energy system by more than 10% or increase the total cost of the installation of the solar energy system to the member by more than \$1,000.00. As used in this subdivision, "production" means the estimated annual electrical production of the solar energy system.
- (e) The policy must not include a provision that contradicts this act.
- (f) The policy must include the following statements:
 - (i) That the approval of an adjacent home or unit owner is not required to approve a member's application to install a solar energy system on the member's home or unit.

(ii) That the homeowners' association will not do any of the following:

- (A) Inquire into a member's energy usage.
- (B) Impose conditions that impair the operation of a solar energy system.
- (C) Impose conditions that negatively impact any component industry standard warranty.
- (D) Require postinstallation reporting.
- (E) Require a fee for submitting an application to install a solar energy system above that which it assesses for other applications related to a change to the property.
- (F) Prohibit a member from resubmitting a written application to install a solar energy system after a written application submitted after the effective date of this act was denied by the homeowners' association.

(iii) That the homeowners' association will not deny a member's application to install a solar energy system because of the identity of the entity that owns the solar energy system or financing method chosen by the member.

(iv) That a homeowners' association may deny an application to install a solar energy system or require the removal of a solar energy system if 1 or more of the following apply:

- (A) A court has found that the installation of the solar energy system violates a law.
- (B) The installed solar energy system does not substantially conform with the member's application to install the solar energy system as approved by the homeowners' association.
- (C) The homeowners' association has determined that the solar energy system will be installed on the roof of a home or unit of the member requesting installation and 1 or more of the following apply:
 - (I) The solar energy system will extend above or beyond the roof of that home or unit by more than 6 inches.
 - (II) The solar energy system does not conform to the slope of the roof and has a top edge that is not parallel to the roof line.
 - (III) The solar energy system has a frame, support bracket, or visible conduit or wiring that is not silver, bronze, or black tone that are commonly available in the marketplace.
- (D) The homeowners' association has determined that both of the following apply:

(I) The solar energy system will be installed in a fenced yard or patio rather than on the roof of a home or unit.

(II) The solar energy system will be taller than the fence line.

(v) That a member shall comply with state and local building codes and permit requirements in the replacement, maintenance, installation, or operation of an energy-saving improvement or modification or the installation of a solar energy system.

(vi) That both of the following apply:

(A) A member who wants to install a solar energy system in the member's home or unit shall comply with the application requirements under section 11(1).

(B) A member may resubmit a written application to install a solar energy system in accordance with section 11(4).

(g) The policy may impose reasonable conditions concerning the maintenance, repair, replacement, or removal of a damaged or inoperable solar energy system provided that the conditions are not more burdensome than the conditions imposed on nonsolar energy projects.

(2) A homeowners' association shall do both of the following:

(a) Make a copy of the policy available to a member within 30 days after the adoption of the policy, or on request.

(b) If the homeowners' association maintains an internet website, post a copy of the policy on its website.

(3) Any provision in a policy that conflicts with this act is void and unenforceable.

Sec. 11.

(1) Beginning on the effective date of this act, a member who wants to install a solar energy system in the member's home or unit shall submit a written application to the homeowners' association. The written application required under this subsection must include all of the following information:

(a) The member's name.

(b) The street address of the location where the solar energy system will be installed.

(c) The name and contact information of the person that will install the solar energy system.

(d) An image that shows the layout of the solar energy system on the member's home or unit.

(e) A description of the solar energy system to be installed.

(2) Except as otherwise provided in this subsection and in accordance with its policy, a homeowners' association must approve or deny the member's request to install a solar energy system within 30 days after receipt of the written application. If the written application is submitted before the homeowners' association adopts the policy described under section 9(1), the homeowners' association must approve

or deny the member's request to install the solar energy system within 120 days after receipt of the written application.

(3) If a homeowners' association fails to adopt the policy within the time period specified under section 9(1) or approve or deny the member's request to install the solar energy system within the time period specified under subsection (2), a member may proceed with the installation of the solar energy system. If the member proceeds with the installation of the solar energy system, the homeowners' association shall not impose fines or otherwise penalize the member for complying with this act.

(4) A member may resubmit a written application to install a solar energy system that was submitted to and denied by the homeowners' association before the effective date of this act. On receipt of the resubmitted written application, the homeowners' association shall reevaluate the application under this act.

Sec. 13. This act does not apply to either of the following in a common area or on a shared roof:

(a) The replacement, maintenance, installation, or operation of an energy-saving improvement or modification.

(b) The installation of a solar energy system.

Sec. 15. If a homeowners' association violates this act, a member may bring a civil action against the homeowners' association for damages. If the member prevails in an action brought under this act, the court may award reasonable attorney fees and the costs incurred in bringing the action.