

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5136

Chapter 51, Laws of 2009

61st Legislature
2009 Regular Session

HOMEOWNERS' ASSOCIATIONS--GOVERNING DOCUMENTS--SOLAR ENERGY PANELS

EFFECTIVE DATE: 07/26/09

Passed by the Senate February 26, 2009
YEAS 45 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 1, 2009
YEAS 62 NAYS 35

FRANK CHOPP

Speaker of the House of Representatives

Approved April 10, 2009, 2:43 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5136** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 13, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5136

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Rockefeller, Fairley, Tom, Marr, Fraser, McDermott, Shin, Sheldon, McAuliffe, Jacobsen, Kline, and Hatfield)

READ FIRST TIME 01/30/09.

1 AN ACT Relating to the use of solar energy panels by members of
2 homeowners' associations; and adding a new section to chapter 64.38
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.38 RCW
6 to read as follows:

7 (1) The governing documents may not prohibit the installation of a
8 solar energy panel by an owner or resident on the owner's or resident's
9 property as long as the solar energy panel:

10 (a) Meets applicable health and safety standards and requirements
11 imposed by state and local permitting authorities;

12 (b) If used to heat water, is certified by the solar rating
13 certification corporation or another nationally recognized
14 certification agency. Certification must be for the solar energy panel
15 and for installation; and

16 (c) If used to produce electricity, meets all applicable safety and
17 performance standards established by the national electric code, the
18 institute of electrical and electronics engineers, accredited testing

1 laboratories, such as underwriters laboratories, and, where applicable,
2 rules of the utilities and transportation commission regarding safety
3 and reliability.

4 (2) The governing documents may:

5 (a) Prohibit the visibility of any part of a roof-mounted solar
6 energy panel above the roof line;

7 (b) Permit the attachment of a solar energy panel to the slope of
8 a roof facing a street only if:

9 (i) The solar energy panel conforms to the slope of the roof; and

10 (ii) The top edge of the solar energy panel is parallel to the roof
11 ridge; or

12 (c) Require:

13 (i) A solar energy panel frame, a support bracket, or any visible
14 piping or wiring to be painted to coordinate with the roofing material;

15 (ii) An owner or resident to shield a ground-mounted solar energy
16 panel if shielding the panel does not prohibit economic installation of
17 the solar energy panel or degrade the operational performance quality
18 of the solar energy panel by more than ten percent; or

19 (iii) Owners or residents who install solar energy panels to
20 indemnify or reimburse the association or its members for loss or
21 damage caused by the installation, maintenance, or use of a solar
22 energy panel.

23 (3) The governing documents may include other reasonable rules
24 regarding the placement and manner of a solar energy panel.

25 (4) For purposes of this section, "solar energy panel" means a
26 panel device or system or combination of panel devices or systems that
27 relies on direct sunlight as an energy source, including a panel device
28 or system or combination of panel devices or systems that collects
29 sunlight for use in:

30 (a) The heating or cooling of a structure or building;

31 (b) The heating or pumping of water;

32 (c) Industrial, commercial, or agricultural processes; or

33 (d) The generation of electricity.

34 (5) This section does not apply to common areas as defined in RCW
35 64.38.010.

36 (6) This section applies retroactively to a governing document in
37 effect on the effective date of this section. A provision in a

1 governing document in effect on the effective date of this section that
2 is inconsistent with this section is void and unenforceable.

Passed by the Senate February 26, 2009.

Passed by the House April 1, 2009.

Approved by the Governor April 10, 2009.

Filed in Office of Secretary of State April 13, 2009.