

## **LENOX PLACE AT SUNNYSIDE HOMEOWNERS ASSOCIATION SPECIFICATIONS FOR SOLAR ENERGY COLLECTION DEVICES**

These specifications cover the installation of solar energy collection devices (more commonly known as “solar panels” or “solar arrays”) in the Lenox Place at Sunnyside Homeowners Association (hereafter referred to as “Lenox Place” or “Association”) community located in Alexandria, VA.

### **Applicable Virginia Codes:**

#### *§ 67-700 Definitions*

As used in this chapter: “Community association” means an unincorporated association or corporation that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association or corporation.

“Solar energy collection device” means any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus.

#### *§ 67-701 Covenants regarding solar power*

- A. No community association shall prohibit an owner from installing a solar energy collection device on that owner’s property unless the recorded declaration for that community association establishes such a prohibition. However, a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use. Any resale certificate pursuant to § 55-79.97 and any disclosure packet pursuant to § 55-509.5, as applicable, given to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property.
- B. The community association may prohibit or restrict the installation of solar energy collection devices on the common elements or common area within the real estate development served by the community association. A community association may establish reasonable restrictions as to the size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.

### **Association Governance**

Under this law, the Association may not prohibit an owner from installing a solar energy device on his or her own property; however, it can establish reasonable restrictions governing the size, place, color, and manner of placement of solar devices. Accordingly, it is reasonable for the Association to regulate the appearance and visibility of solar devices and also require that solar devices complement community design standards. Although the Association may not prohibit the installation of such devices on individual lots, the Association can prohibit or restrict solar energy devices from being installed on the common area or on other property owned by the Association. In addition, the Association could also prohibit or restrict the installation of solar devices where such placement would encroach on the Association’s property or common area.

## **Guidelines for Solar Energy Collection Devices**

Homeowners who wish to install solar devices shall note in their Exterior Project Form (EPF) that they fully understand and acknowledge the guidelines listed below. Homeowners are encouraged to involve the Architectural Review Committee (ARC) early in the process to minimize delays and to ensure a smooth approval process.

1. Application for Installation
  - a. Prior to the placement of any solar energy collection device (“Solar Device”) upon any Unit, the Owner must submit an Exterior Project Form (EPF) to the ARC for approval of their proposed Solar Device. All applications must include contractor proposals, permits, brochures, diagrams, drawings, and other documents indicating:
    - i. The exact purpose of the solar device installation
    - ii. Type, colors, and size of the Solar Device(s)
    - iii. The exact location of desired installation
    - iv. Acknowledgement of understanding of these guidelines
2. Installation Within Unit Boundaries
  - a. Location Requirements
    - i. No Owner may install a Solar Device in the Common Area or on any property owned by the Association.
    - ii. Solar Devices will only be approved on Units if they are secured in a manner so that there is minimal or no visibility of the Solar Device from the street, the common areas, or other Units and that they blend into the surroundings as much as possible. In such cases where this placement location for a Solar Device is not adequate for the effective collection of solar energy, the ARC shall reserve the power, in its sole discretion, to grant a variance from any of the requirements expressed herein, but shall endeavor to protect the community from the architectural blight to the greatest degree possible and strive to ensure that all concerns over safety are satisfied.
    - iii. Except as otherwise provided herein, Owners are prohibited from installing a Solar Device which in any way, shape or form encroaches upon any Common Area or any other Unit.
  - b. Installation Requirements
    - i. Solar Devices shall not be larger or installed higher than is absolutely necessary for their intended purpose.
    - ii. The Owner is responsible for ensuring Solar Devices are installed and secured in a manner that complies with all applicable Virginia building codes, industry standards, and manufacturer’s instructions. The installation shall also take aesthetic considerations into account and minimize the impact to the Unit and surrounding areas.
    - iii. Solar Devices shall not be placed anywhere near a power line (above ground or buried). Owners must ensure that the wind velocity or other forces could not cause the Solar Device to collide with power lines.
    - iv. Solar Devices must be properly secured so they do not jeopardize the structural integrity of any structure or the safety of any person near the Solar Devices.
    - v. Exterior wiring for the Solar Device shall be installed in the least visible manner.
  - c. Solar Device Color

- i. To the extent possible, Solar Device colors shall closely match the approved shingle colors of the Unit or black.
    - ii. The ARC reserves the power to require Owners to paint any portion of the Solar Device so that it matches or is reasonably compatible with the color of the structure to which it is attached. If such a requirement would void the warranty from the manufacturer, the Owner must submit a copy of the warranty to the ARC before it will consider absolving the Owners of this requirement.
    - iii. The ARC reserves the power to require Owners to install or provide screening around the Solar Device if the Solar Device is visible from the street, the Common Area or other Units. Any such screening must be installed within one week of installation.
  - d. Maintenance
    - i. Owners who install or maintain Solar Devices acknowledge responsibility for all associated costs, including, but not limited to, the costs to:
      - 1. Place (or replace), repair, maintain, and move or remove Solar Devices;
      - 2. Repair damage to any property caused by an Owner's failure to properly install, maintain, or use the Solar Device.;
      - 3. Pay medical expenses incurred by persons injured by Solar Device installation, maintenance, or use;
      - 4. Reimburse residents or the Association for costs incurred to correct damage caused by the Owner's failure to properly install, maintain or use the Solar Device; and
      - 5. Restore Solar Device installation sites to their original condition after removal of the Solar Device.
    - ii. Owners shall have a continuing duty to prevent their Solar Devices from falling into a state of disrepair. Owners shall be responsible for Solar Device maintenance, repair and replacement, and the correction of any safety hazard.
    - iii. If Solar Devices become detached, the Owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens anyone's safety, the Association may remove the Solar Device at the expense of the Owner.
- 3. Solar Device Removal
  - a. When an Owner removes a Solar Device, he/she is required to restore the location of the installation to its original condition. Owners shall be responsible for all costs relating to restoration of this location.
- 4. Insurance
  - a. The Association shall not accept any responsibility to insure any Solar Device installed by an Owner. The Solar Device shall be considered the personal property of the Owner who installed the Solar Device.
- 5. Homeowners must acknowledge they agree to and understand items 2 through 4 above when applying to install Solar Devices.

### **Approval**

Per the Association's bylaws, the ARC must approve all exterior projects requiring more than standard repair and maintenance. Project requests must contain information that confirms the proposed project conforms to the specifications listed above. The ARC will carefully review all exterior project requests and may require additional information. Incomplete exterior project requests will be denied and returned to the homeowner.