

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 846  
Commerce Committee Substitute Adopted 4/23/03

Short Title: Solar Energy Systems.

(Public)

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Sponsors:

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Referred to:

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April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT ENCOURAGING THE USE OF SOLAR ENERGY SYSTEMS AND  
3 PROHIBITING ORDINANCES, COVENANTS, AND OTHER RESTRICTIONS  
4 THAT UNREASONABLY RESTRICT THE INSTALLATION OR USE OF SUCH  
5 SYSTEMS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The General Statutes are amended by adding a new Chapter to  
8 read:

9 "Chapter 113C.

10 "Solar Energy.

11 **"§ 113C-1. Solar energy systems.**

12 (a) It is the policy of the State to promote and encourage the use of solar energy.

13 (b) The following definitions apply in this section:

14 (1) Significantly. – An amount exceeding twenty percent (20%) of the cost  
15 of a solar energy system or decreasing the efficiency of a system by an  
16 amount exceeding twenty percent (20%), as originally specified and  
17 proposed.

18 (2) Solar energy system. – A device or structural design feature, a  
19 substantial purpose of which is to provide daylight for interior lighting  
20 or to provide for the collection, storage, conversion, and distribution of  
21 solar energy for space heating or cooling, water heating, or electricity  
22 generation.

23 (c) Notwithstanding any other provision of law, no governing body of a  
24 municipality or county shall adopt or enforce an ordinance that effectively prohibits or  
25 unreasonably restricts the installation or use of a solar energy system. Any covenant,  
26 restriction, or other condition contained in any deed, contract, security agreement, or  
27 other instrument affecting the transfer or sale of any real property or any interest therein  
28 that effectively prohibits or unreasonably restricts the installation or use of a solar  
29 energy system is void and unenforceable. For purposes of this section, an ordinance or

1 covenant, restriction, or other condition effectively prohibits or unreasonably restricts  
2 the installation or use of a solar energy system if it significantly increases the cost of a  
3 solar energy system or significantly decreases the efficiency or expected performance of  
4 a solar energy system.

5 (d) Whenever approval is required for the installation or use of a solar energy  
6 system, the application for approval shall be processed and approved by the approving  
7 entity in the same manner as an application for approval of an architectural modification  
8 to the property. Approval shall not be willfully avoided or delayed.

9 (e) Any person or entity, other than a governing body of a municipality or  
10 county, that willfully violates this section shall be liable to the applicant for actual  
11 damages resulting from the violation, and the court shall also order the person or entity  
12 to pay the applicant a civil penalty in an amount not to exceed one thousand dollars  
13 (\$1,000). In any action to enforce compliance with this section, the prevailing party  
14 shall be awarded costs and reasonable attorneys' fees."

15 **SECTION 2.** This act is effective when it becomes law.