

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

3

SENATE BILL 670  
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted  
5/22/07  
Third Edition Engrossed 5/24/07

Short Title: Use of Solar Collectors.

(Public)

Sponsors:

Referred to:

March 13, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES,  
AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR  
AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF  
PROHIBITING THE INSTALLATION OF SOLAR COLLECTORS NOT  
FACING PUBLIC ACCESS OR COMMON AREAS ON DETACHED  
SINGLE-FAMILY RESIDENCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8 of Chapter 160A of the General Statutes is amended  
by adding a new section to read:

**"§ 160A-201. Limitations on regulating solar collectors.**

(a) Except as provided in subsection (c) of this section, no city ordinance shall prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a detached single-family residence, and no person shall be denied permission by a city to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a detached single-family residence.

(b) This section does not prohibit an ordinance regulating the location or screening of solar collectors as described in subsection (a) of this section, provided the ordinance does not have the effect of preventing the reasonable use of a solar collector for a detached single-family residence.

(c) This section does not prohibit an ordinance that would prohibit the location of solar collectors as described in subsection (a) of this section that are visible by a person on the ground:

- 1           (1) On the façade of a structure that faces areas open to common or public  
2           access;
- 3           (2) On a roof surface that slopes downward toward the same areas open to  
4           common or public access that the façade of the structure faces; or
- 5           (3) Within the area set off by a line running across the façade of the  
6           structure extending to the property boundaries on either side of the  
7           façade, and those areas of common or public access faced by the  
8           structure.

9           (d) In any civil action arising under this section, the court may award costs and  
10 reasonable attorneys' fees to the prevailing party."

11           **SECTION 2.** Article 6 of Chapter 153A of the General Statutes is amended  
12 by adding a new section to read:

13 **"§ 153A-144. Limitations on regulating solar collectors.**

14           (a) Except as provided in subsection (c) of this section, no county ordinance  
15 shall prohibit, or have the effect of prohibiting, the installation of a solar collector that  
16 gathers solar radiation as a substitute for traditional energy for water heating, active  
17 space heating and cooling, passive heating, or generating electricity for a detached  
18 single-family residence. No person shall be denied permission by a county to install a  
19 solar collector that gathers solar radiation as a substitute for traditional energy for water  
20 heating, active space heating and cooling, passive heating, or generating electricity for a  
21 detached single-family residence.

22           (b) This section does not prohibit an ordinance regulating the location or  
23 screening of solar collectors as described in subsection (a) of this section, provided the  
24 ordinance does not have the effect of preventing the reasonable use of a solar collector  
25 for a detached single-family residence.

26           (c) This section does not prohibit an ordinance that would prohibit the location of  
27 solar collectors as described in subsection (a) of this section that are visible by a person  
28 on the ground:

- 29           (1) On the façade of a structure that faces areas open to common or public  
30           access;
- 31           (2) On a roof surface that slopes downward toward the same areas open to  
32           common or public access that the façade of the structure faces; or
- 33           (3) Within the area set off by a line running across the façade of the  
34           structure extending to the property boundaries on either side of the  
35           façade, and those areas of common or public access faced by the  
36           structure.

37           (d) In any civil action arising under this section, the court may award costs and  
38 reasonable attorneys' fees to the prevailing party."

39           **SECTION 3.** Chapter 22B of the General Statutes is amended by adding a  
40 new Article to read:

41   "Article 3.

42           "Deed Restrictions, Covenants, and Other Agreements Prohibiting Solar Collectors.

43 **"§ 22B-20. Deed restrictions and other agreements prohibiting solar collectors.**

1       (a) The intent of the General Assembly is to protect the public health, safety, and  
2 welfare by encouraging the development and use of solar resources and by prohibiting  
3 deed restrictions, covenants, and other similar agreements that could have the ultimate  
4 effect of driving the costs of owning and maintaining a residence beyond the financial  
5 means of most owners.

6       (b) Except as provided in subsection (d) of this section, any deed restriction,  
7 covenant, or similar binding agreement that runs with the land that would prohibit, or  
8 have the effect of prohibiting, the installation of a solar collector that gathers solar  
9 radiation as a substitute for traditional energy for water heating, active space heating  
10 and cooling, passive heating, or generating electricity for a detached single-family  
11 residence on land subject to the deed restriction, covenant, or agreement is void and  
12 unenforceable.

13       (c) This section does not prohibit a deed restriction, covenant, or similar binding  
14 agreement that runs with the land that would regulate the location or screening of solar  
15 collectors as described in subsection (b) of this section, provided the deed restriction,  
16 covenant, or similar binding agreement does not have the effect of preventing the  
17 reasonable use of a solar collector for a detached single-family residence.

18       (d) This section does not prohibit a deed restriction, covenant, or similar binding  
19 agreement that runs with the land that would prohibit the location of solar collectors as  
20 described in subsection (b) of this section that are visible by a person on the ground:

21           (1) On the façade of a structure that faces areas open to common or public  
22 access;

23           (2) On a roof surface that slopes downward toward the same areas open to  
24 common or public access that the façade of the structure faces; or

25           (3) Within the area set off by a line running across the façade of the  
26 structure extending to the property boundaries on either side of the  
27 façade, and those areas of common or public access faced by the  
28 structure.

29       (e) In any civil action arising under this section, the court may award costs and  
30 reasonable attorneys' fees to the prevailing party."

31       **SECTION 4.** This act becomes effective October 1, 2007. Section 3 of this  
32 act applies to deed restrictions, covenants, or similar binding agreements that run with  
33 the land recorded on or after that date.