

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1023 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Tammy Townley _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1023

By: Townley

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to property; defining terms;
9 providing that an owners association may not prohibit
10 the installation of solar energy systems; providing
11 exceptions; providing for codification; and providing
12 an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 859 of Title 60, unless there is
16 created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Covenant and restriction of a real estate development"
19 means a recorded instrument in which a declarant reserves:

20 a. a right to facilitate the development, construction,
21 and marketing of the subdivision, and

22 b. a right to direct the size, shape, and composition of
23 the subdivision;

1 2. "Solar energy system" has the same meaning as that term is
2 defined in Section 2357.1 of Title 68 of the Oklahoma Statutes.

3 B. Except as otherwise provided by subsection D of this
4 section, an owners association may not include or enforce a
5 provision in an instrument that prohibits or restricts a property
6 owner from installing a solar energy system.

7 C. A provision that violates subsection B of this section is
8 void.

9 D. An owners association may include or enforce a provision in
10 an instrument that prohibits a solar energy system that:

11 1. As adjudicated by a court:

12 a. threatens the public health or safety, or

13 b. violates a law;

14 2. Is located on property owned or maintained by the owners
15 association;

16 3. Is located on property owned in common by the members of the
17 owners association;

18 4. Is located in an area on the property owner's property other
19 than:

20 a. on the roof of the home or of another structure
21 allowed under an instrument, or

22 b. in a fenced yard or patio owned and maintained by the
23 property owner;

24 5. If mounted on the roof of the home:

- 1 a. extends higher than or beyond the roofline,
2 b. is located in an area other than an area designated by
3 the owners association, unless the alternate location
4 increases the estimated annual energy production of
5 the system, as determined by using a publicly
6 available modeling tool provided by the National
7 Renewable Energy Laboratory, by more than ten percent
8 (10%) above the energy production of the system if
9 located in an area designated by the owners
10 association, this includes all equipment for the solar
11 system to be located on the backside of the house,
12 c. solar equipment on a roof not being removed prior to a
13 new roof replacement to allow proper installation of
14 new roof, and
15 d. has a frame, a support bracket, or visible piping or
16 wiring that is not in a silver, bronze, or black tone
17 commonly available in the marketplace;

18 6. As installed, voids material warranties; or

19 7. Was installed without prior approval by the owners
20 association or by a committee created in an instrument for such
21 purposes that provides decisions within a reasonable period or
22 within a period specified in the covenant and restriction of a real
23 estate development instrument.

24

1 E. An owners association or the association's architectural
2 review committee may not withhold approval for installation of a
3 solar energy system if the provisions of the instrument to the
4 extent authorized by subsection D of this section are met or
5 exceeded, unless the association or committee, as applicable,
6 determines in writing that placement of the system as proposed by
7 the property owner constitutes a condition that substantially
8 interferes with the use and enjoyment of land by causing
9 unreasonable discomfort or annoyance to persons of ordinary
10 sensibilities. For purposes of making a determination under this
11 subsection, the written approval of the proposed placement of the
12 system by all property owners of adjoining property constitutes
13 prima facie evidence that such a condition does not exist.

14 SECTION 2. This act shall become effective November 1, 2023.

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16 59-1-7507 JL 02/16/23

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