

# PROMONTORY POINTE HOMEOWNERS ASSOCIATION

## Solar Energy Systems Policy (Civil Code Sections 714, 714.1, and 4746)

### I. Permissible Types of Solar Energy Systems.

For the purposes of this Policy, the term "solar energy system" is defined in California *Civil Code* § 801.5(a)(1) and (2) and includes any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for (a) space heating or cooling, (b) water heating, or (c) electric generation. Other solar energy devices are not permitted.

### II. Architectural Review Procedures.

- 1) Written Request, Plans and Specifications; Prior Approval. Prior to installing a solar energy system, an owner must submit an application and plans to the Architectural Committee in the same manner and containing the same information as an application for approval of any other architectural modification, addition, or alteration, in addition to all other information required in this policy.
- 2) Decisions in Writing. Any Association decision regarding a solar energy system application shall be in writing.
- 3) Approval may be Conditioned. The Association may require as a condition of its approval that the owner install the solar energy system in a different location than originally proposed and/or in a different manner and comply with any other reasonable restriction, as long as the Association's requirements do not exceed the cost and efficiency parameters specified in Section III of this Policy. The Association may also require the installation of a different solar energy system of comparable cost, efficiency, and energy conservation benefits.
- 4) Later Modifications by Association Permissible. After the solar energy system has been installed, the Association reserves the right to require post-installation modifications to the system to address health and safety issues, as well as glare, and other nuisance issues raised after installation.

### I. Restrictions on Placement of System and Manner of Installation.

- 1) **Location.** Solar energy systems must be installed in the least obtrusive location possible that does not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. "Least obtrusive location" means a location where the solar energy system is the least visible and produces the least glare that may be seen from common area.

- a) For solar water heating systems, a significant increase in cost means an amount exceeding 10% of the cost of the originally proposed system; a significant decrease in the system's performance or efficiency means the efficiency of the originally proposed system is reduced by more than 10%.
- b) For solar electricity generation (photovoltaic) systems, a significant increase in cost means \$1,000 more than the cost of the originally proposed system; a significant decrease in the system's performance or efficiency means the efficiency of the originally proposed system is reduced by more than 10%.

2) Restrictions. The Association requires the following:

- a) Least Obtrusive. The solar energy system shall be (i) flat mounted on the roof (as opposed to raised or angle-mounted), and (ii) mounted on the portion of the roof that faces away from streets, as long as efficiency is not unreasonably reduced.
- b) Ancillary Equipment. To the maximum extent possible, all wiring, piping, lines, and other associated equipment must be installed so as to be the least visible from common area. The Association may require that such components be painted to blend in with the background color of the surface to which they are attached or placed.

3) Compliance with Governmental Requirements. All solar energy systems must be installed in accordance with applicable health and safety, building, fire, electrical, plumbing, and related codes and any other applicable governmental requirements. The owner shall obtain all required state and/or local permits and other required approvals prior to installation.

4) Professional Installation. The solar energy system shall be installed by a licensed contractor qualified in the installation and maintenance of solar energy systems.

5) Rooftop Installations. In addition to all other restrictions of this Policy, a proposed installation on the roof of a condominium building shared with other unit owners, or on the roof of the owner's exclusive use common area garage or carport, shall satisfy the following:

- a) Owner shall notify each owner of a unit in the building under the roof upon which the solar energy system is proposed to be installed, and complete a neighbor notification form to be submitted with his/her architectural application.
- b) Owner shall submit a solar site survey, with his/her architectural application, prepared by a licensed contractor or the contractor's registered salesperson knowledgeable in the installation of solar energy systems, which shall include a determination as to the equitable allocation of the usable solar roof area among all owners sharing the same roof, garage, or carport, and the cost for such survey and/or determination shall not be considered a part of the "cost" of the system for purposes of Section III(1)) of this policy. The "equitable allocation" portion of the survey must identify a number of usable solar roof areas

for the building approximately equal in terms of efficiency and desirability, equal to the number of units in the building. For example, if the building contains four units, than the survey must identify four usable solar roof areas of approximately equal efficiency and desirability. The Board of Directors shall select one of the usable solar roof areas identified in the survey for the applicant to use.

- c) Owner shall maintain a homeowner liability insurance policy and provide the Association with a certificate of such insurance prior to installation of the solar energy system and every year thereafter.
- d) Owner shall be responsible for all costs of damage to the common area, exclusive use common area, or separate interests resulting from the installation maintenance, repair, removal or replacement of Owner's solar energy system.
- e) Owner shall be responsible for all costs of maintenance, repair and replacement of the solar energy system until it is removed and for the restoration of the common area, exclusive use common area, or separate interests after removal.
- f) Owner shall disclose to prospective buyers of his/her unit the existence of any solar energy system of the owner and the related responsibilities of the owner under this Policy and governing law, including (at the time this Policy is adopted) Section 4746 of the California Civil Code.
- g) At such times that Association is required to conduct major roof repairs or replacement, Owner shall remove the solar energy system at Owner's cost.
- h) Owner must submit a written request to the Architectural Committee and receive architectural approval prior to the replacement, material alteration, expansion or removal of the solar energy system.
- (i) Owner shall enter into a recordable improvement agreement with the Association setting forth the aforementioned provisions, which agreement shall be recorded against owner's property and bind successor owners, the cost of which shall be paid for by the owner.
- j) The installer of the solar energy system shall enter into an indemnity agreement with the Association at Owner's sole cost and expense.

Adopted by the Board of Directors on 12/3/18