

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 846

Short Title: Solar Energy Systems.

(Public)

Sponsors: Senator Gulley.

Referred to: Commerce.

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 and to remove obstacles that discourage or prevent the use of such systems.

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

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

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

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

1 purposes of this section, an ordinance or covenant, restriction, or other condition
2 effectively prohibits or unreasonably restricts the installation or use of a solar energy
3 system if it significantly increases the cost of a solar energy system or significantly
4 decreases the efficiency or expected performance of 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 public entity, that willfully violates this
10 section shall be liable to the applicant for actual damages resulting from the violation
11 and shall pay the applicant a civil penalty in an amount not to exceed one thousand
12 dollars (\$1,000). In any action to enforce compliance with this section, the prevailing
13 party shall be awarded costs and reasonable attorney's fees."

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