

HOUSE BILL 1599

N1

6lr3633

By: **Delegates Brooks, Hettleman, Jalisi, and Jones**

Introduced and read first time: February 25, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Restrictions on Use – Solar Collector Systems**

3 FOR the purpose of authorizing certain restrictions on use regarding land use to prohibit
4 the installation of a solar collector system on certain land; and generally relating to
5 restrictions on use regarding land use.

6 BY repealing and reenacting, with amendments,
7 Article – Real Property
8 Section 2–119
9 Annotated Code of Maryland
10 (2015 Replacement Volume)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Real Property**

14 2–119.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) “Restriction on use” includes any covenant, restriction, or condition
17 contained in:

18 (i) A deed;

19 (ii) A declaration;

20 (iii) A contract;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) The bylaws or rules of a condominium or homeowners
2 association;

3 (v) A security instrument; or

4 (vi) Any other instrument affecting:

5 1. The transfer or sale of real property; or

6 2. Any other interest in real property.

7 (3) "Solar collector system" means a solar collector or other solar energy
8 device, the primary purpose of which is to provide for the collection, storage, and
9 distribution of solar energy for electricity generation, space heating, space cooling, or water
10 heating.

11 (4) "Solar easement" means an interest in land that:

12 (i) Is conveyed or assigned in perpetuity; and

13 (ii) Limits the use of the land to preserve the receipt of sunlight
14 across the land for the use of a property owner's solar collector system.

15 (b) (1) A restriction on use regarding land use may not impose or act to impose
16 unreasonable limitations on the installation of a solar collector system on the roof or
17 exterior walls of improvements, provided that the property owner owns or has the right to
18 exclusive use of the roof or exterior walls.

19 (2) For purposes of paragraph (1) of this subsection, an unreasonable
20 limitation includes a limitation that:

21 (i) Significantly increases the cost of the solar collector system; or

22 (ii) Significantly decreases the efficiency of the solar collector
23 system.

24 **(C) (1) IN THIS SUBSECTION, "LAND" DOES NOT INCLUDE**
25 **IMPROVEMENTS TO THE LAND.**

26 **(2) A RESTRICTION ON USE REGARDING LAND USE MAY PROHIBIT**
27 **THE INSTALLATION OF A SOLAR COLLECTOR SYSTEM ON THE LAND OF RESIDENTIAL**
28 **REAL PROPERTY.**

29 **[(c)] (D) (1) A property owner who has installed or intends to install a solar**
30 **collector system may negotiate to obtain a solar easement in writing.**

1 (2) Any written instrument creating a solar easement shall include:

2 (i) A description of the dimensions of the solar easement expressed
3 in measurable terms, including vertical or horizontal angles measured in degrees or the
4 hours of the day on specified dates when direct sunlight to a specified surface of a solar
5 collector system may not be obstructed;

6 (ii) The restrictions placed on vegetation, structures, and other
7 objects that would impair the passage of sunlight through the solar easement; and

8 (iii) The terms under which the solar easement may be revised or
9 terminated.

10 (3) A written instrument creating a solar easement shall be recorded in the
11 land records of the county where the property is located.

12 **[(d)] (E)** This section does not apply to a restriction on use on historic property
13 that is listed in, or determined by the Director of the Maryland Historical Trust to be
14 eligible for inclusion in, the Maryland Register of Historic Properties.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2016.