

HOUSE No. 3685

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act ensuring solar energy access.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/12/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2023</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>2/23/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/27/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>4/27/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>6/22/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>8/14/2023</i>

HOUSE No. 3685

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 3685) of Josh S. Cutler and others relative to ensuring solar energy access. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act ensuring solar energy access.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 184 of the General Laws is hereby amended by striking out section
2 23C and inserting in place thereof the following section:-

3 Section 23C. (a) For the purposes of this section the following terms shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 “Association”, a homeowners’ association, condominium association, property owners
6 association, community association, housing cooperative or any other nongovernmental entity
7 with covenants, bylaws and administrative provisions with which a homeowner is required to
8 comply.

9 “Solar access”, the access of a solar energy system to direct sunlight, as defined in
10 section 1A of chapter 40A.

11 “Solar energy system”, a device or structural design feature, a substantial purpose of
12 which is to provide daylight for interior lighting or provide for the collection, storage and
13 distribution of solar energy for space heating or cooling, electricity generating or water heating,
14 as defined in section 1A of chapter 40A.

15 (b) Any provision in an instrument relative to the ownership or use of real property which
16 purports to forbid or unreasonably restrict the installation or use of a solar energy system or the
17 building of structures that facilitate the collection of solar energy shall be void.

18 (c) No association shall forbid or unreasonably restrict the installation or use of a solar
19 energy system. An association shall review requests by homeowners regarding solar access or
20 the installation or use of a solar energy systems and reach a decision within a reasonable time,
21 which shall not exceed 60 calendar days. An association shall explain any restrictions on solar
22 access or the installation or use of solar energy systems in writing to the homeowner.

23 (d) Unreasonable restrictions include, but are not limited to, restrictions that: (i) increase
24 the cost of installing or using the solar energy system by more than 10 per cent, or by more than
25 \$1,000, whichever is lower; (ii) decrease the efficiency of the solar energy system by more than
26 10 per cent of its originally specified efficiency; and (iii) substantially curtail or burden solar
27 access.

28 (e) A person claiming to be aggrieved by a violation of this section may institute a civil
29 action for injunctive relief and any damages incurred. A person so aggrieved who prevails in
30 such an action shall be awarded the costs of the civil action and reasonable attorneys’ fees.