

SENATE BILL NO. 558

October 04, 2023, Introduced by Senators BAYER, BELLINO, POLEHANKI, GEISS, CHANG, IRWIN, SINGH, CAVANAGH, SHINK and CHERRY and referred to the Committee on Finance, Insurance, and Consumer Protection.

A bill to invalidate provisions in homeowners' association agreements that prohibit the installation of certain solar generators; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Common area" means a portion of a building that is
- 3 generally accessible to all occupants of a building. For purposes
- 4 of this act, common area includes, but is not limited to, a
- 5 hallway, a stairway, an elevator, a lobby, a laundry and

1 recreational room, a playground, a community center, a garage, or a
2 fitness room.

3 (b) "Local unit" means a county, township, city, or village.

4 (c) "Shared roof" means a roof that serves more than 1 home or
5 unit, including, but not limited to, a contiguous roof that serves
6 adjacent homes or units.

7 (d) "Solar energy" means radiant energy received from the sun
8 at a wavelength that is suitable for heat transfer, photosynthetic
9 use, or photovoltaic use.

10 (e) "Solar generator" means the combination of portable solar
11 panels, battery, battery charger, and inverter into a single device
12 to capture, store, and distribute solar energy.

13 Sec. 3. A provision in a homeowners' association agreement
14 that prohibits, or requires association approval for, a homeowner
15 to install a solar generator is invalid and unenforceable.

16 Sec. 5. (1) A local unit must not require a homeowner to
17 obtain the approval of a homeowners' association to install a solar
18 generator.

19 (2) This act does not apply to the installation of a solar
20 generator in a common area or on a shared roof.