

63

**t****AMENDMENT TO H.R.3221****OFFERED BY MR. CARDOZA OF CALIFORNIA**

In title IX, at the end of Part 3 of subtitle A, add the following new section and make the necessary conforming amendments in the table of contents:

1 **SEC. 9035. PROHIBITION OF RESTRICTIONS ON RESIDEN-**  
2 **TIAL INSTALLATION OF SOLAR ENERGY SYS-**  
3 **TEM.**

4 (a) REGULATIONS.—Within 180 days after the enact-  
5 ment of this Act, the Secretary of Housing and Urban  
6 Development, in consultation with the Secretary of En-  
7 ergy, shall issue regulations—

8 (1) to prohibit any private covenant, contract  
9 provision, lease provision, homeowners' association  
10 rule or bylaw, or similar restriction, that impairs the  
11 ability of the owner or lessee of any residential  
12 structure designed for occupancy by 1 family to in-  
13 stall, construct, maintain, or use a solar energy sys-  
14 tem on such residential property; and

15 (2) to require that whenever any such covenant,  
16 provision, rule or bylaw, or restriction requires ap-  
17 proval for the installation or use of a solar energy

1 system, the application for approval shall be proc-  
2 essed and approved by the appropriate approving en-  
3 tity in the same manner as an application for ap-  
4 proval of an architectural modification to the prop-  
5 erty, and shall not be willfully avoided or delayed.

6 (b) CONTENTS.—The regulations required under sub-  
7 section (a) shall provide that—

8 (1) such a covenant, provision, rule or bylaw, or  
9 restriction impairs the installation, construction,  
10 maintenance, or use of a solar energy system if it—

11 (A) unreasonably delays or prevents instal-  
12 lation, maintenance, or use;

13 (B) unreasonably increases the cost of in-  
14 stallation, maintenance, or use; or

15 (C) precludes use of such a system; and

16 (2) any fee or cost imposed on the owner or les-  
17 see of such a residential structure by such a cov-  
18 enant, provision, rule or bylaw, or restriction shall  
19 be considered unreasonable if—

20 (A) such fee or cost is not reasonable in  
21 comparison to the cost of the solar energy sys-  
22 tem or the value of its use; or

23 (B) treatment of solar energy systems by  
24 the covenant, provision, rule or bylaw, or re-  
25 striction is not reasonable in comparison with

1 treatment of comparable systems by the same  
2 covenant, provision, rule or bylaw, or restric-  
3 tion.

4 (c) SOLAR ENERGY SYSTEM.—For purposes of this  
5 section, the term “solar energy system” means, with re-  
6 spect to a structure, equipment that uses solar energy to  
7 generate electricity for, or to heat or cool (or provide hot  
8 water for use in), such structure.