



Does an Owner have an Absolute Right to install Solar Panels in an HOA?

NO, although whether an HOA can restrict or prohibit an Owner from installing **Solar Panels** is dependent on whether the HOA is made up of single-family homes, townhomes, or condominiums.

CCIOA only addresses **Solar Panels** by inference at **CRS 38-33.3-106.5(1.5)** by stating that “an association shall not effectively prohibit renewable energy generation devices, as defined in section 38-30-168.”

C.R.S. 38-30-168 specifically addresses how and when the installation of a **Solar Panels** as a “renewable energy generation device” may be restricted.

Single Family Homes. Sections (1) & (2) of this statute applies to **Solar Panels** to be **installed on an Owner’s property**, which would typically apply to single-family homes. Section (1) states that any restriction that effectively prohibits the installation of a **Solar Panels** is unenforceable. **HOWEVER**, Section (2) permits reasonable restrictions to be put in place for **Solar Panels**:

- **Aesthetic Restrictions**: regarding the dimensions, placement, or external appearance of the **Solar Panels**.
- **Bona Fide Safety Reasons**: if the installation would not comply with applicable building codes or safety standards.

Townhomes/Condominiums. Section 3(d) of this statute specifically applies to townhomes and condominiums. Essentially, this Section states that an Owner does **NOT** have the right to **install a Solar Panel on “a limited common element or general common element”** of an HOA.

Thus, if an Owner requests to install a **Solar Panel** on any common element, the HOA is not legally required to permit such installation. The reasoning behind this is likely due to the fact that, typically, an HOA is responsible for the maintenance of common elements within the community, and by allowing an installation on the common elements, the HOA could be considered responsible for the maintenance of such installation.

HOWEVER, an HOA may choose to allow **Solar Panels** in the community as a policy matter or may allow an Owner to install a **Solar Panel** on a common element if the Owner agrees to be fully responsible for the installation, maintenance, and removal of such **Solar Panels**.

Do you have any Solar Panel questions? Attend our Solar Panel Class on July 25 at 12 PM. Register at: tinyurl.com/WLGJuly or give us a call at: (720) 542-8724