

# **RHYGATE HOMEOWNERS ASSOCIATION**

## **POLICY RESOLUTION NO. 13**

### **GUIDELINES FOR SOLAR ENERGY COLLECTION DEVICES**

**WHEREAS**, Article VII of the Amended and Restated Bylaws of Rhygate Homeowners Association (“Association”) provides that the Association’s Board of Directors (“Board”) shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not required by law or the Declaration, Articles of Incorporation, or Bylaws to be exercised and done by the members; and

**WHEREAS**, Article VII, Section 1(a) of the Bylaws empowers the Board to adopt and amend any reasonable Rules and Regulations not inconsistent with the Association Documents; and

**WHEREAS**, Article IX, Section 6 of the Declaration provides that, “[i]n accordance with the provisions of Article VIII, no Lot owner shall make any structural addition, alteration or improvement which alters the exterior appearance of any improvement on a Lot nor shall a Lot Owner paint or otherwise alter the exterior appearance of an improvement on a lot without the prior written consent of the Board of Directors. No Lot Owner shall alter or construct any building, fence, wall or other structure or regrade a lot without prior written consent of the Board of Directors;” and

**WHEREAS**, Article IX, Section 10 of the Declaration provides that, “[n]o Owner shall cause or permit anything to be hung, displayed or exposed on the exterior of an improvement, on a Lot, or Common Area appurtenant thereto. The prohibition herein includes without limitation laundry, clothing, rugs, signs, radio or television antennas or any other items. No exterior television antenna, radio antenna or other similar device may be erected on any Lot, and/or attached to any dwelling house or other building now or hereafter erected on any Lot in Rhygate;” and

**WHEREAS**, Section 55.1-1820.1(B) of the Virginia Property Owners Association Act provides that Owners may install or use solar energy collection devices on their property, and that the Association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices; and

**WHEREAS**, the Board of Directors believes it is in the best interest of the Association for the Board to adopt reasonable regulations governing installation, maintenance, and use of solar energy collection devices, consistent with Section 55.1-1820.1(C) of the Act.

**NOW, THEREFORE**, the Board of Directors adopt the following regulations for the Association, hereinafter referred to as the “Rules,” which shall be binding upon all Owners and their family members, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess any sort of property interest in any Lot in the Association, and which shall supersede any current restrictions of record or previously adopted rules on the same subject matter.

## **I. DEFINITIONS**

A. Solar Energy Collection Device: any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus.

B. Solar Shingles: any Solar Energy Collection Device designed to appear as shingles integrated into the roof structure as part of the roof rather than as a separate component resting on, or attached to, the roof.

## **II. TYPES OF SOLAR DEVICES**

Solar Devices are permitted only in the form of solar shingles designed to appear as shingles integrated as part of the roof rather than as a separate component resting on, or attached to, the roof (“Solar Shingles”). Any Solar Device which is not a Solar Shingle, shall not be permitted.

## **III. APPLICATION FOR INSTALLATION**

A. Prior to the placement of any solar energy collection device (“Solar Device” or “Device”) upon a Lot, an Owner must submit a written application to the Architectural Review Committee for approval of their proposed Device. All applications must meet the application requirements established the then-current Resolution Number 7, including complete plans and specifications showing the location, nature, shape, height, material, color, type of construction and any other proposed form of change.

B. If an Owner submits an application to the Architectural Control Committee (“ACC”) for approval of the Solar Device, the ACC will issue a ruling on the application in accordance with the then-current Resolution Number 7. Once an application is approved by the ACC, it is then sent to the Board for final approval.

### **C. INSTALLATION ON LOT**

#### **1. Location**

a. No Owner may install a Solar Device in the Common Area or on any property owned by the Association.

b. Except as otherwise provided herein, Owners are prohibited from installing a Solar Device which in any way, shape or form encroaches upon any Common Area (including Common Area air space) or any other Lot.

#### **2. Installation – Size, Placement and Manner**

a. Solar Shingles shall not be larger than, or installed at an elevation higher than, is absolutely necessary for their intended purpose.

b. Solar Shingles shall be installed and secured in a manner so that visibility from the streets is minimized and so that they blend into the surroundings as much as possible.

c. Solar Shingles shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer’s instructions. Prior to installation, Owners shall provide the Association with a copy of the applicable governmental permit if it is required for safety reasons.

d. Solar Shingles shall not be placed anywhere near a power line. Owners must ensure that the wind velocity or other forces could not cause the Solar Shingles to collide with power lines.

e. Solar Shingles must be properly secured so they do not jeopardize the structural integrity of any structure or the safety of any person near the Solar Shingles.

### **3. Maintenance**

A. Owners who install or maintain Solar Shingles are responsible for all associated costs, including, but not limited to, the costs to:

- i. Place (or replace), repair, maintain, and move or remove Solar Shingles ;
- ii. Repair damage to any property caused by an Owner's failure to properly install, maintain, or use the Solar Shingles.
- iii. Pay medical expenses incurred by persons injured by Solar Shingle installation, maintenance, or use;
- iv. Reimburse residents or the Association for costs incurred to correct damage caused by the Owner's failure to properly install, maintain or use the Solar Shingles;

B. Owners shall have a continuing duty to prevent their Solar Shingles from falling into a state of disrepair. Owners shall be responsible for Solar Shingle maintenance, repair and replacement, and the correction of any safety hazard.

C. If Solar Shingles become detached, Owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens anyone's safety, the Association may remove the Solar Shingle(s) at the expense of the Owner.

### **IV. SOLAR SHINGLE CAMOUFLAGING**

A. *Solar Shingles must blend in with the shingles and/or surroundings of the dwelling unit, so as to be reasonably compatible with the surrounding dwelling units. Any new shingles installed by the Owner must properly blend in with the existing Solar Shingles. The Association reserves the right to require Owners to replace the shingles of the dwelling unit to match the color of the Solar Device installed.*

B. Owners must install exterior wiring for the Solar Shingles in the least obtrusive manner.

### **V. SOLAR SHINGLE REMOVAL**

If an Owner removes their Solar Shingles, the Owner is required to restore the location of the installation to its original condition. Owners shall be responsible for all costs relating to restoration of this location.

### **VI. INSURANCE**

The Association shall not accept any responsibility to insure any Solar Shingle installed by an Owner. The Solar Shingles shall be considered the personal property of the Owner who installed the Solar Shingles.

**VII. ENFORCEMENT**

If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of rules violation assessments, subject to the due process procedures set forth in Virginia Code Section 55.1-1819.

If any Solar Shingle installation poses a serious, immediate safety hazard or threat to property, the Association reserves the authority to enter upon the Lot and take such steps as may be necessary to remove the Solar Device upon advance written notice to the Owner of the Board’s concerns for safety and its request of the Owner to remove, relocate, or re-secure the Solar Shingle.

**This resolution shall become effective on May 14th, 2024.**

VOTE:

	YES	NO	ABSTAIN	ABSENT
David Drago, President	YES			
Ryan Strandlund, Vice President	YES			
Valerie Coles, Secretary	YES			
Dottie Thomas, Treasurer	YES			
Glenna Boyd, Director	YES			
Kevin Goodale, Director	YES			
Anna Gugliotti, Director	YES			
Erna Seals, Director	YES			