

West Point Hills Subdivision Homeowners Association Solar Energy Policy

Adopted: March 15, 2025

Purpose

This Solar Energy Policy is established in accordance with Michigan law to provide guidance for the installation, maintenance, and operation of solar energy systems within the West Point Hills Subdivision Homeowners Association (Association), located in Hamburg Township, Michigan. This policy ensures compliance with state regulations while maintaining the aesthetic and structural integrity of the community.

Definitions

1. **Solar Energy System:** Equipment that captures sunlight and converts it into usable energy, including photovoltaic panels, inverters, and other associated components.
2. **Energy-Saving Improvements:** Modifications or installations designed to reduce energy consumption, including but not limited to insulation, high-efficiency windows, rain barrels, clotheslines, or energy-efficient HVAC systems.

Section 1: Solar Energy System Standards

1. The approval of an adjacent home or unit owner is not required to approve a Member's application to install a solar energy system on the Member's home or unit.
2. The Association may not require specific solar technology types such as solar shingles or traditional solar panels.
3. The Association shall not impose conditions that reduce the system's electrical production by more than 10% or increase the installation cost by more than \$1,000.
4. Visible components such as frames, support brackets, conduit, or wiring must be in silver, bronze, or black tones commonly available in the marketplace.
5. Solar energy systems may not extend more than 6 inches above the roofline or fail to conform to the roof's slope with a top edge parallel to the roofline.
6. Solar energy systems installed in fenced yards or patios must not exceed the height of the fence line.

Section 2: Application Process

1. Members seeking to install a solar energy system must submit a written application including:
 - o The Member's name.
 - o The street address of the location where the solar energy system will be installed.
 - o The name and contact information of the person that will install the solar energy system.
 - o An image that shows the layout of the solar energy system on the member's home or unit.
 - o A description of the solar energy system to be installed.
2. The Association will review and approve or deny applications within 30 days of receipt. If the Association fails to act within this period, the Member may proceed with installation without penalty.
3. Members may resubmit denied applications for reconsideration.

Section 3: Maintenance and Removal

1. The Association may impose reasonable conditions concerning the maintenance, repair, replacement, or removal of a damaged or inoperable solar energy system provided that the conditions are not more burdensome than the conditions imposed on nonsolar energy projects.

Section 4: Restrictions and Conditions

1. The Association may deny an application to install a solar energy system or require the removal of a solar energy system if 1 or more of the following apply:
 - A court has found that the installation of the solar energy system violates a law.
 - The installed solar energy system does not substantially conform with the Member's application to install the solar energy system as approved by the Association.
 - The Association has determined that the solar energy system will be installed on the roof of a home or unit of the Member requesting installation and 1 or more of the following apply:
 1. The solar energy system will extend above or beyond the roof of that home or unit by more than 6 inches.
 2. The solar energy system does not conform to the slope of the roof and has a top edge that is not parallel to the roof line.
 3. The solar energy system has a frame, support bracket, or visible conduit or wiring that is not silver, bronze, or black tone that are commonly available in the marketplace.
 - The Association has determined that both of the following apply:
 1. The solar energy system will be installed in a fenced yard or patio rather than on the roof of a home or unit.
 2. The solar energy system will be taller than the fence line.
2. The Association shall not do any of the following:
 - Inquire into a Member's energy usage.
 - Impose conditions that impair the operation of a solar energy system.
 - Impose conditions that negatively impact any component industry standard warranty.
 - Require post-installation reporting.
 - Require a fee for submitting an application to install a solar energy system above that which it assesses for other applications related to a change to the property.
 - Prohibit a Member from resubmitting a written application to install a solar energy system after a written application submitted after the effective date of this act was denied by the Association.
3. The Association shall not deny a Member's application to install a solar energy system because of the identity of the entity that owns the solar energy system or financing method chosen by the Member.

Section 6: Member Rights and Legal Compliance

1. Members shall comply with state and local building codes and permit requirements in the replacement, maintenance, installation, or operation of an energy-saving improvement or modification or the installation of a solar energy system.
2. If a violation of this policy occurs, a Member may pursue civil action and may be entitled to damages, attorney fees, and court costs if successful.

Policy Amendments: This policy may be amended by a majority vote of the Association Board, provided amendments remain compliant with the Homeowners' Energy Policy Act.

Enforcement: Any violations of this policy will be addressed in accordance with the Associations governing documents.

Effective Date: This policy is effective immediately upon adoption by the West Point Hills Homeowners Association Board and will be posted on the Association's website for public access.