



General Assembly

Amendment

January Session, 2023

LCO No. 8930



Offered by:
REP. STEINBERG, 136th Dist.

To: Subst. House Bill No. 6764

File No. 315

Cal. No. 213

**"AN ACT CONCERNING A SOLAR UNIFORM CAPACITY TAX AND
MODIFICATIONS TO THE STATE'S RENEWABLE ENERGY
PROGRAMS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivision (57) of section 12-81 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective October*
5 *1, 2023*):

6 (57) (A) (i) Any Class I renewable energy source, as defined in section
7 16-1, or hydropower facility described in subdivision (21) of subsection
8 (a) of section 16-1, installed for the generation of electricity where such
9 electricity is intended for private residential use or on a farm, as defined
10 in subsection (q) of section 1-1, provided (I) such installation occurs on
11 or after October 1, 2007, (II) the estimated annual production of such
12 source or facility does not exceed the estimated annual load for the
13 location where such source or facility is located, where such load and
14 production are estimated as of the date of installation of the source or

15 facility as indicated in the written application filed pursuant to
16 subparagraph [(E)] (F) of this subdivision, and (III) such installation is
17 for a single family dwelling, a multifamily dwelling consisting of two to
18 four units or a farm; (ii) any passive or active solar water or space
19 heating system; or (iii) any geothermal energy resource. In the case of
20 clause (i) of this subparagraph, the utilization of or participation in any
21 net metering or tariff policy or program implemented by the state or
22 ownership of such source or facility by a party other than the owner of
23 the real property upon which such source or facility is installed shall not
24 disqualify such source or facility from exemption pursuant to this
25 section. In the case of clause (ii) or (iii) of this subparagraph, such
26 exemption shall apply only to the amount by which the assessed
27 valuation of the real property equipped with such system or resource
28 exceeds the assessed valuation of such real property equipped with the
29 conventional portion of the system or resource;

30 (B) For assessment years commencing on and after October 1, 2013,
31 any Class I renewable energy source, as defined in section 16-1,
32 hydropower facility described in subdivision (21) of subsection (a) of
33 section 16-1, or solar thermal or geothermal renewable energy source,
34 installed for generation or displacement of energy, provided (i) such
35 installation occurs on or after January 1, 2010, (ii) such installation is for
36 commercial or industrial purposes, (iii) the nameplate capacity of such
37 source or facility does not exceed the load for the location where such
38 generation or displacement is located, and (iv) such source or facility is
39 located in a distressed municipality, as defined in section 32-9p, with a
40 population between one hundred twenty-five thousand and one
41 hundred thirty-five thousand;

42 (C) For assessment years commencing on and after October 1, 2013,
43 any municipality may, upon approval by its legislative body or in any
44 town in which the legislative body is a town meeting, by the board of
45 selectmen, abate up to one hundred per cent of property tax for any
46 Class I renewable energy source, as defined in section 16-1, hydropower
47 facility described in subdivision (21) of subsection (a) of section 16-1, or
48 solar thermal or geothermal renewable energy source, installed for

49 generation or displacement of energy, provided (i) such installation
50 occurs between January 1, 2010, and December 31, 2013, (ii) such
51 installation is for commercial or industrial purposes, (iii) the nameplate
52 capacity of such source or facility does not exceed the load for the
53 location where such generation or displacement is located, and (iv) such
54 source or facility is not located in a municipality described in
55 subparagraph (B) of this subdivision;

56 (D) For assessment years commencing on and after October 1, 2014,
57 any (i) Class I renewable energy source, as defined in section 16-1, (ii)
58 hydropower facility described in subdivision (21) of subsection (a) of
59 section 16-1, or (iii) solar thermal or geothermal renewable energy
60 source, installed for generation or displacement of energy, provided (I)
61 such installation occurs on or after January 1, 2014, (II) is for commercial
62 or industrial purposes, (III) the nameplate capacity of such source or
63 facility does not exceed the load for the location where such generation
64 or displacement is located or the aggregated load of the beneficial
65 accounts for any Class I renewable energy source participating in virtual
66 net metering pursuant to section 16-244u, and (IV) in the case of clause
67 (iii) of this subparagraph, such exemption shall apply only to the
68 amount by which the assessed valuation of the real property equipped
69 with such source exceeds the assessed valuation of such real property
70 equipped with the conventional portion of the source;

71 (E) For assessment years commencing on and after October 1, 2023,
72 any Class I renewable energy source consisting of equipment and
73 devices that have the primary purpose of collecting solar energy and
74 generating electricity by photovoltaic effect.

75 [(E)] (F) Any person claiming [the] an exemption provided in this
76 subdivision for any assessment year shall, on or before the first day of
77 November in such assessment year, file with the assessor or board of
78 assessors in the town in which such hydropower facility, Class I
79 renewable energy source, solar thermal or geothermal renewable
80 energy source or passive or active solar water or space heating system
81 or geothermal energy resource is located, a written application claiming

82 such exemption. Such application shall be made on a form prepared for
83 such purpose by the Secretary of the Office of Policy and Management,
84 in consultation with the Connecticut Association of Assessing Officers
85 and the Connecticut Green Bank established pursuant to section 16-
86 245n, and shall include, but not be limited to, a statement of the
87 estimated annual load and production of a source or facility described
88 in clause (i) of subparagraph (A) of this subdivision as of the date of the
89 installation of such source or facility. Said secretary shall make such
90 application available to the public on the Internet web site of the Office
91 of Policy and Management. Failure to file such application in the
92 manner and form as provided by the secretary within the time limit
93 prescribed shall constitute a waiver of the right to such exemption for
94 such assessment year. Such application shall not be required for any
95 assessment year following that for which the initial application is filed,
96 provided if such hydropower facility, Class I renewable energy source,
97 solar thermal or geothermal renewable energy source or passive or
98 active solar water or space heating system or geothermal energy
99 resource is altered in a manner which would require a building permit,
100 such alteration shall be deemed a waiver of the right to such exemption
101 until a new application, applicable with respect to such altered source,
102 is filed and the right to such exemption is established as required
103 initially. In the event that a person owns more than one such source or
104 facility in a municipality, such person may file a single application
105 identifying each source or facility. On and after October 1, 2023, the
106 provisions of this subparagraph shall not apply to any owner of a solar
107 photovoltaic system, as defined in section 2 of this act;

108 [(F)] (G) For assessment years commencing on and after October 1,
109 2015, any municipality may, by vote of its legislative body or, in a
110 municipality where the legislative body is a town meeting, by vote of
111 the board of selectmen, abate up to one hundred per cent of the property
112 taxes due for any tax year, for not longer than the term of the power
113 purchase agreement, with respect to any Class I renewable energy
114 source, as defined in section 16-1, that is the subject of such power
115 purchase agreement approved by the Public Utilities Regulatory

116 Authority pursuant to section 16a-3f;

117 (H) On and after October 1, 2023, the exemptions in subparagraphs
118 (D)(i) and (E) of this subdivision shall apply only to equipment and
119 devices that have the primary purpose of generating electricity. The
120 exemptions shall not apply to any real property on which such
121 equipment and devices are located or installed. In the case of equipment
122 and devices that have the primary purpose of collecting solar energy
123 and generating electricity by photovoltaic effect, on and after October 1,
124 2023, all such equipment and facilities shall be considered tangible
125 personal property under section 12-41;

126 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) As used in this section:

127 (1) "Solar photovoltaic system" means equipment and devices that
128 (A) have the primary purpose of collecting solar energy and generating
129 electricity by photovoltaic effect, (B) have a generating capacity greater
130 than two megawatts of electricity, and (C) are approved on or after
131 October 1, 2023, by (i) the Connecticut Siting Council, or (ii) the zoning
132 commission or other final zoning authority of each municipality in
133 which such equipment and devices are located, if such equipment and
134 devices are not subject to approval by the Connecticut Siting Council.

135 (2) "Municipality" means any town, city, consolidated town and city
136 or consolidated town and borough; and

137 (3) "Uniform solar capacity tax year" means the annual accounting
138 period used to calculate the tax under this section, consisting of a
139 twelve-month period commencing on October first and ending the
140 following September thirtieth.

141 (b) Except as provided in subsection (g) of this section, for uniform
142 solar capacity tax years commencing on and after October 1, 2023, each
143 person that owns a solar photovoltaic system in the state for generation
144 or displacement of energy shall pay a tax to the department of finance
145 of each municipality in which the system or any part thereof is located,
146 or, if the municipality does not have a department of finance, to the tax

147 collector for such municipality. The tax shall be the product of eight
148 thousand dollars multiplied by the number of megawatts of capacity for
149 each such system. If a solar photovoltaic system has multiple owners,
150 each owner shall be jointly and severally liable for the tax owed
151 pursuant to this section.

152 (c) Not later than October 31, 2023, the department of finance in each
153 municipality, or, for any municipality that does not have a department
154 of finance, the tax collector of such municipality, shall prescribe and
155 furnish a form for such tax. The tax imposed under this section shall be
156 due and payable on the due date or due dates of such return, as
157 determined by the department of finance or tax collector, as applicable.
158 The department of finance or tax collector, as applicable, may require a
159 single annual payment of the tax imposed under this section or may
160 require semi-annual or quarterly installments of such payment.

161 (d) The revenues produced by the tax imposed under this section
162 shall become part of the general revenue of the municipality in which
163 the tax is paid.

164 (e) If a solar photovoltaic system is located in more than one
165 municipality, the tax shall be allocated between or among the
166 municipalities in proportion to the generating capacity of the solar
167 photovoltaic system located in each municipality.

168 (f) Whenever the tax imposed under this section is not paid when due
169 to the department of finance or tax collector, as applicable, in a
170 municipality, interest at the rate of one and one-half per cent per month
171 or fraction thereof shall accrue on such tax from the due date of such tax
172 until the date of payment.

173 (g) Any person claiming to be aggrieved by the action of a
174 department of finance or tax collector under this section may appeal the
175 tax to the Superior Court. Any person appealing the tax that pays a
176 portion of such tax during the pendency of such appeal and indicates
177 that such portion is paid "under protest" shall not be liable for any
178 interest on the tax, provided such person pays not less than seventy-five

179 per cent of the amount of the tax assessed by the municipality during
180 the time limits prescribed by the department of finance or tax collector,
181 as applicable, in such municipality in accordance with this section.

182 (h) (1) Any municipality acting through its board of selectmen, town
183 council, court of common council or other legislative body shall have
184 the power to enter into an agreement to freeze or stabilize the tax
185 imposed under this section for any owner of a solar photovoltaic system
186 located in such municipality, as provided in this subsection.

187 (2) With respect to any photovoltaic system located in more than one
188 municipality, such agreement shall only pertain to the tax that is
189 allocated to the municipality that enters into such agreement, in
190 accordance with the provisions of subsection (e) of this section.

191 (i) For purposes of calculating the generating capacity of a solar
192 photovoltaic system, the following shall be deemed to be part of the
193 same solar photovoltaic system: (1) All equipment and devices that have
194 the primary purpose of collecting solar energy and generating electricity
195 by photovoltaic effect that are located on the same parcel; (2) all
196 equipment and devices that have the primary purpose of collecting solar
197 energy and generating electricity by photovoltaic effect that are located
198 on land that the current owner of any part of such land subdivided into
199 multiple parcels but was part of the same parcel prior to such
200 subdivision; and (3) all equipment and devices that have the primary
201 purpose of collecting solar energy and generating electricity by
202 photovoltaic effect that are located on adjoining parcels. Nothing in this
203 subsection shall be construed to limit tax liability or the definitions in
204 subsection (a) of this section.

205 Sec. 3. (*Effective from passage*) Not later than February 1, 2024, the
206 Office of Policy and Management, in consultation with the
207 Commissioners of Economic and Community Development, Energy
208 and Environmental Protection, Administrative Services, Correction and
209 Transportation, shall submit a report, in accordance with the provisions
210 of section 11-4a of the general statutes, to the joint standing committee

211 of the General Assembly having cognizance of matters relating to
212 energy and technology that identifies state properties greater than five
213 acres in size, including, but not limited to, medians and corridors
214 abutting highways, as defined in subdivision (46) of section 14-1 of the
215 general statutes, and correctional institutions, that are suitable for lease
216 to private entities for the construction or location of solar photovoltaic
217 facilities with capacities of two or more megawatts.

218 Sec. 4. (*Effective from passage*) Not later than February 1, 2024, the
219 Commissioner of Energy and Environmental Protection shall submit a
220 report, in accordance with the provisions of section 11-4a of the general
221 statutes, to the joint standing committee of the General Assembly
222 having cognizance of matters relating to energy and technology that
223 identifies properties greater than five acres in size that are included in
224 the current list of contaminated or potentially contaminated sites
225 maintained by the Department of Energy and Environmental
226 Protection.

227 Sec. 5. Section 16-50i of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective from passage*):

229 As used in this chapter:

230 (a) "Facility" means: (1) An electric transmission line of a design
231 capacity of sixty-nine kilovolts or more, including associated equipment
232 but not including a transmission line tap, as defined in subsection (e) of
233 this section; (2) a fuel transmission facility, except a gas transmission
234 line having a design capability of less than two hundred pounds per
235 square inch gauge pressure or having a design capacity of less than
236 twenty per cent of its specified minimum yield strength; (3) any electric
237 generating or storage facility using any fuel, including nuclear
238 materials, including associated equipment for furnishing electricity but
239 not including an emergency generating device, as defined in subsection
240 (f) of this section, a solar canopy, as defined in subsection (g) of this
241 section, a facility that is located on the rooftop of a building, or a facility
242 (A) owned and operated by a private power producer, as defined in

243 section 16-243b, (B) which is a qualifying small power production
244 facility or a qualifying cogeneration facility under the Public Utility
245 Regulatory Policies Act of 1978, as amended, or a facility determined by
246 the council to be primarily for a producer's own use, and (C) which has,
247 in the case of a facility [utilizing] that utilizes renewable energy sources,
248 a generating capacity of one megawatt of electricity or less and, in the
249 case of a facility utilizing cogeneration technology, a generating capacity
250 of twenty-five megawatts of electricity or less; (4) any electric substation
251 or switchyard designed to change or regulate the voltage of electricity
252 at sixty-nine kilovolts or more or to connect two or more electric circuits
253 at such voltage, which substation or switchyard may have a substantial
254 adverse environmental effect, as determined by the council established
255 under section 16-50j, and other facilities which may have a substantial
256 adverse environmental effect as the council may, by regulation,
257 prescribe; (5) such community antenna television towers and head-end
258 structures, including associated equipment, which may have a
259 substantial adverse environmental effect, as said council shall, by
260 regulation, prescribe; and (6) such telecommunication towers, including
261 associated telecommunications equipment, owned or operated by the
262 state, a public service company or a certified telecommunications
263 provider or used in a cellular system, as defined in the Code of Federal
264 Regulations Title 47, Part 22, as amended, which may have a substantial
265 adverse environmental effect, as said council shall, by regulation,
266 prescribe;

267 (b) "Municipality" means a city, town or borough of the state and
268 "municipal" has a correlative meaning;

269 (c) "Person" means any individual, corporation, limited liability
270 company, joint venture, public benefit corporation, political
271 subdivision, governmental agency or authority, municipality,
272 partnership, association, trust or estate and any other entity, public or
273 private, however organized;

274 (d) "Modification" means a significant change or alteration in the
275 general physical characteristics of a facility;

276 (e) "Transmission line tap" means an electrical transmission line not
277 requested by an applicant to be treated as a facility that has the primary
278 function, as determined by the council, of interconnecting a private
279 power producing or cogeneration facility to the electrical power grid
280 serving the state, and does not have a substantial adverse environmental
281 effect, as determined by the council based on a review of the line's
282 proposed purpose, the line's proposed length, the number and type of
283 support structures, the number of manholes required for the proposed
284 line, the necessity of entering a right-of-way including any easements or
285 land acquisition for any construction or maintenance on the proposed
286 line, and any other environmental, health or public safety factor
287 considered relevant by the council;

288 (f) "Emergency generating device" means an electric generating
289 device with a generating capacity of five megawatts or less, installed
290 primarily for the purpose of producing emergency backup electrical
291 power for not more than five hundred hours per year, and that (1) does
292 not have a substantial adverse environmental effect, as determined by
293 the council, or (2) is owned and operated by an entity other than an
294 electric distribution or gas company, or (3) is under construction or in
295 operation prior to May 2, 1989.

296 (g) "Solar canopy" means an outdoor, shade-providing structure that
297 hosts solar photovoltaic panels located above an existing or new parking
298 or driving area, pedestrian walkway, courtyard, or other utilized
299 surface that requires shade, and is installed in a manner that maintains
300 the function of the area beneath the structure. "Solar canopy" includes
301 any carport.

302 Sec. 6. Subsection (a) of section 16-50k of the general statutes is
303 repealed and the following is substituted in lieu thereof (*Effective October*
304 *1, 2023*):

305 (a) Except as provided in subsection (b) of section 16-50z, no person
306 shall exercise any right of eminent domain in contemplation of,
307 commence the preparation of the site for, commence the construction or

308 supplying of a facility, or commence any modification of a facility, that
309 may, as determined by the council, have a substantial adverse
310 environmental effect in the state without having first obtained a
311 certificate of environmental compatibility and public need, hereinafter
312 referred to as a "certificate", issued with respect to such facility or
313 modification by the council. Certificates shall not be required to be
314 issued for: (1) [fuel] Fuel cells built within the state with a generating
315 capacity of two hundred fifty kilowatts or less; [, or] (2) fuel cells built
316 out of state with a generating capacity of ten kilowatts or less; or (3) any
317 facility that utilizes renewable energy sources, if the facility is located
318 within a five-mile radius of any facility that utilizes renewable energy
319 sources with a generating capacity greater than seventy-five megawatts.
320 Any facility with respect to which a certificate is required shall
321 thereafter be built, maintained and operated in conformity with such
322 certificate and any terms, limitations or conditions contained therein.
323 Notwithstanding the provisions of this chapter or title 16a, the council
324 shall, in the exercise of its jurisdiction over the siting of generating
325 facilities, approve by declaratory ruling (A) the construction of a facility
326 solely for the purpose of generating electricity, other than an electric
327 generating facility that uses nuclear materials or coal as fuel, at a site
328 where an electric generating facility operated prior to July 1, 2004, and
329 (B) the construction or location of any fuel cell, unless the council finds
330 a substantial adverse environmental effect, or of any customer-side
331 distributed resources project or facility or grid-side distributed
332 resources project or facility with a capacity of not more than sixty-five
333 megawatts, as long as: (i) Such project meets air and water quality
334 standards of the Department of Energy and Environmental Protection,
335 (ii) the council does not find a substantial adverse environmental effect,
336 and (iii) for a solar photovoltaic facility with a capacity of two or more
337 megawatts, to be located on prime farmland or forestland, excluding
338 any such facility that was selected by the Department of Energy and
339 Environmental Protection in any solicitation issued prior to July 1, 2017,
340 pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of
341 Agriculture represents, in writing, to the council that such project will
342 not materially affect the status of such land as prime farmland or the

343 Department of Energy and Environmental Protection represents, in
344 writing, to the council that such project will not materially affect the
345 status of such land as core forest. In conducting an evaluation of a
346 project for purposes of subparagraph (B)(iii) of this subsection, the
347 Departments of Agriculture and Energy and Environmental Protection
348 may consult with the United States Department of Agriculture and soil
349 and water conservation districts.

350 Sec. 7. Section 16-50p of the general statutes is amended by adding
351 subsection (k) as follows (*Effective October 1, 2023*):

352 (NEW) (k) Prior to granting an applicant's certificate for a facility
353 described in subsection (a) of section 16-50i, as amended by this act, the
354 council shall consider, in addition to its consideration of other factors
355 under this section: (1) The testimony of the chief elected official of any
356 municipality in which the facility or any part thereof is to be located that
357 the chief elected official gives at any hearing prescribed in section 16-
358 50m; and (2) any other witness testimony or written testimony of the
359 chief elected official of such municipality that is filed or presented by
360 the municipality to the council, if such municipality is a party pursuant
361 to subsection (a) of section 16-50n.

362 Sec. 8. (NEW) (*Effective July 1, 2023*) Not later than January 1, 2024,
363 the Public Utilities Regulatory Authority shall develop a program and
364 policies to encourage the installation of solar photovoltaic systems at
365 public schools located in environmental justice communities, as defined
366 in section 22a-20a of the general statutes. The authority shall incorporate
367 such program and policies into the programs authorized pursuant to
368 section 16-244z of the general statutes, consistent with the provisions of
369 said section and the decisions of the authority implementing said
370 section. The program and policies developed pursuant to this section
371 shall expire not later than the conclusion of the program authorized
372 pursuant to subparagraph (B) of subdivision (2) of subsection (a) of
373 section 16-244z of the general statutes.

374 Sec. 9. (*Effective from passage*) Not later than one year after the effective

375 date of this section, as part of the Integrated Resources Plan approved
376 by the Commissioner of Energy and Environmental Protection, the
377 commissioner, in consultation with the Commissioner of Agriculture,
378 shall submit, in accordance with the provisions of section 11-4a of the
379 general statutes, to the joint standing committee of the General
380 Assembly having cognizance of matters relating to energy and
381 technology, information regarding the potential siting of solar projects
382 in the state. The Commissioner of Energy and Environmental Protection
383 shall submit such information in a format that can be overlaid onto
384 existing grid interconnection maps maintained by the electric
385 distribution companies, as defined in section 16-1 of the general statutes.

386 Sec. 10. (*Effective from passage*) (a) Not later than February 1, 2024, the
387 authority shall report, in accordance with section 11-4a of the general
388 statutes, to the joint standing committee of the General Assembly
389 having cognizance of matters relating to energy on the status of its
390 investigation into improvements to the allocation of interconnection
391 costs associated with distributed energy resources.

392 (b) Not later than January 15, 2025, the authority shall report, in
393 accordance with section 11-4a of the general statutes, to the joint
394 standing committee of the General Assembly having cognizance of
395 matters relating to energy on the use of megawatt caps for the state's
396 renewable energy programs pursuant to subparagraph (A) of
397 subdivision (1) of subsection (c) of section 16-244z of the general
398 statutes. Such study shall include, but need not be limited to: (1) A
399 determination of whether such caps are necessary to meet the state's
400 climate and clean energy goals; (2) an examination of whether it is
401 prudent and in the interest of ratepayers to allow megawatts allocated
402 to one program to be reapportioned to one or more programs; and (3)
403 any recommendations for relevant legislation.

404 Sec. 11. (NEW) (*Effective July 1, 2023*) (a) Notwithstanding any
405 provision of any municipal charter or ordinance, the planning
406 commission, zoning commission, or combined planning and zoning
407 commission of each municipality shall amend any regulations adopted

408 pursuant to subsection (a) of section 8-2 of the general statutes to
409 establish a simplified approval process for any application to build a
410 solar canopy, as defined in section 16-50i of the general statutes, as
411 amended by this act, in such municipality.

412 (b) Notwithstanding any provision of any municipal charter or
413 ordinance, the planning commission, zoning commission, or combined
414 planning and zoning commission of each municipality shall approve or
415 deny any land use application to build a solar canopy, as defined in
416 section 16-50i of the general statutes, as amended by this act, in such
417 municipality not later than six months after the filing date of such
418 application.

419 Sec. 12. Section 47-257 of the general statutes is amended by adding
420 subsection (h) as follows (*Effective October 1, 2023*):

421 (NEW) (h) If any addition, alteration or improvement made by, or at
422 the direction of, a unit owner results in an increase in common expenses,
423 including, but not limited to, any cost of maintenance, repair or
424 insurance, the amount of such increase shall be assessed solely against
425 the unit owned by the unit owner who caused such addition, alteration
426 or improvement to be made.

427 Sec. 13. (NEW) (*Effective October 1, 2023*) (a) For purposes of this
428 section, "single-family detached unit" means a building in a common
429 interest community that does not contain units divided by horizontal
430 boundaries or vertical boundaries that comprise, or are located within,
431 common walls between units.

432 (b) On and after October 1, 2023, any provision of a declaration or the
433 bylaws of an association that prohibits or unreasonably restricts the
434 installation or use of a solar power generating system on the roof of a
435 unit that is a single-family detached unit, or is otherwise in conflict with
436 the provisions of this section, shall be unenforceable. In any common
437 interest community where a unit is a parcel of land, this section shall
438 apply to any single-family detached unit constructed on such unit. This
439 section shall not apply to any unit that has vertical boundaries that

440 comprise, or are located within, common walls between units.

441 (c) To obtain approval to install a solar power generating system
442 under this section, the owner of a unit shall submit an application to the
443 executive board of the association. The executive board shall (1)
444 acknowledge, in writing to the unit owner, the receipt of any such
445 application not later than thirty days after such receipt, and (2) process
446 such application in the same manner as an application for an addition,
447 alteration or improvement pursuant to the declaration or bylaws of the
448 association. The approval or denial of such application shall be in
449 writing and be issued to the unit owner not later than sixty days after
450 the date of receipt of such application. Unless the executive board
451 requests specific information from the unit owner concerning the
452 proposed installation of a solar power generating system, the
453 application shall be deemed approved if sixty days pass from the date
454 of the executive board's receipt of the application and the executive
455 board has not denied such application in writing. If a unit owner has
456 complied with the provisions of this section, the executive board shall
457 not unreasonably withhold approval of the unit owner's application.

458 (d) If a unit owner's application to install a solar power generating
459 system is granted or deemed granted by the executive board, the unit
460 owner shall enter into a written agreement with the association, which
461 may be recorded on the land records in every town in which the
462 common interest community is located, that requires the unit owner to:

463 (1) Comply with the provisions of the declaration or bylaws
464 regarding an addition, alteration or improvement;

465 (2) Engage a licensed and insured contractor to install the solar power
466 generating system who shall, within fourteen days of the execution of
467 the written agreement, provide a certificate of insurance that
468 demonstrates liability insurance coverage in an amount not less than
469 one million dollars and names the association, the association's
470 manager, if any, and the unit owner as insured parties and evidence of
471 workers' compensation insurance as may be required by law;

472 (3) Pay any cost associated with the installation of the solar power
473 generating system, including, but not limited to, increased master policy
474 premiums, attorney's fees incurred by the association, engineering fees,
475 professional fees, permits and fees associated with applicable zoning
476 compliance requirements;

477 (4) Indemnify the association, the unit owners of the association and
478 the association's executive board, officers, directors and manager, as
479 applicable, for any damage or losses caused by the solar power
480 generating system; and

481 (5) Assume full responsibility for the maintenance, repair and
482 replacement of the roof over the unit owner's unit at the unit owner's
483 sole expense.

484 (e) The unit owner, and each successive owner of the unit, shall be
485 responsible for:

486 (1) Any cost to repair damage to the solar power generating system,
487 common elements of the association or units resulting from the
488 installation, use, maintenance, repair, removal or replacement of the
489 solar power generating system;

490 (2) Any cost for the maintenance, repair and replacement of the solar
491 power generating system until such system has been removed;

492 (3) Any cost for the repair or restoration of the roof after the solar
493 power generating system is removed;

494 (4) Any additional common expenses resulting from uninsured losses
495 related to the solar power generating system pursuant to any master
496 insurance policy held by the association of unit owners; and

497 (5) Disclosing to any prospective buyers regarding (A) the existence
498 of the solar power generating system, (B) the associated responsibilities
499 of the unit owner under this section, (C) the existence of any agreement
500 between the unit owner and the association concerning a solar power
501 generating system, and (D) the requirement that the purchaser accepts

502 the solar power generating system unless it is removed prior to the
503 conveyance of the unit.

504 (f) A solar power generating system installed pursuant to this section
505 shall meet all applicable health and safety standards and requirements
506 under any state or federal law or local ordinance.

507 (g) An association may:

508 (1) Install a solar power generating system on any common elements
509 of the association for the use of all unit owners and develop appropriate
510 rules for such use;

511 (2) Require that a unit owner remove any solar power generating
512 system installed by the unit owner prior to the unit owner's sale of the
513 unit unless the purchaser of the unit agrees to take ownership of the
514 solar power generating system and be bound by an agreement with the
515 association that indemnifies the association, the unit owners of the
516 association and the association's executive board, officers, directors and
517 manager, as applicable, for any damage or losses caused by the solar
518 power generating system; and

519 (3) Assess a unit owner for any uninsured portion of a loss associated
520 with a solar power generating system, whether resulting from a
521 deductible or otherwise, regardless of whether the association submits
522 an insurance claim.

523 (h) In any action by an association seeking to enforce compliance with
524 this section, the prevailing party shall be awarded reasonable attorney's
525 fees.

526 Sec. 14. Subsections (g) to (i), inclusive, of section 47-261b of the
527 general statutes are repealed and the following is substituted in lieu
528 thereof (*Effective October 1, 2023*):

529 [(g) In the case of a common interest community that is not a
530 condominium or a cooperative, an association may not adopt or enforce
531 any rules that would have the effect of prohibiting any unit owner from

532 installing a solar power generating system on the roof of such owner's
 533 unit, provided such roof is not shared with any other unit owner. An
 534 association may adopt rules governing (1) the size and manner of
 535 affixing, installing or removing a solar power generating system; (2) the
 536 unit owner's responsibilities for periodic upkeep and maintenance of
 537 such solar power generating system; and (3) a prohibition on any unit
 538 owner installing a solar power generating system upon any common
 539 elements of the association.]

540 [(h)] (g) An association's internal business operating procedures need
 541 not be adopted as rules.

542 [(i)] (h) Each rule of the association shall be reasonable."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	12-81(57)
Sec. 2	October 1, 2023	New section
Sec. 3	from passage	New section
Sec. 4	from passage	New section
Sec. 5	from passage	16-50i
Sec. 6	October 1, 2023	16-50k(a)
Sec. 7	October 1, 2023	16-50p(k)
Sec. 8	July 1, 2023	New section
Sec. 9	from passage	New section
Sec. 10	from passage	New section
Sec. 11	July 1, 2023	New section
Sec. 12	October 1, 2023	47-257(h)
Sec. 13	October 1, 2023	New section
Sec. 14	October 1, 2023	47-261b(g) to (i)