



General Assembly

**Amendment**

January Session, 2023

LCO No. 9997



Offered by:

REP. KAVROS DEGRAW, 17<sup>th</sup> Dist.

REP. CURREY, 11<sup>th</sup> Dist.

REP. LINEHAN, 103<sup>rd</sup> Dist.

To: House Bill No. 6805

File No. 410

Cal. No. 273

**"AN ACT CONCERNING SOLAR INSTALLATIONS IN  
CONDOMINIUMS AND COOPERATIVES."**

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

3 "Section 1. Section 47-257 of the general statutes is amended by  
4 adding subsection (h) as follows (*Effective January 1, 2024*):

5 (NEW) (h) If any addition, alteration or improvement made by, or at  
6 the direction of, a unit owner results in an increase in common expenses,  
7 including, but not limited to, any cost of maintenance, repair or  
8 insurance, the amount of such increase shall be assessed solely against  
9 the unit owned by the unit owner who caused such addition, alteration  
10 or improvement to be made.

11 Sec. 2. (NEW) (*Effective January 1, 2024*) (a) For purposes of this  
12 section, "single-family detached unit" means a building in a common

13 interest community that does not contain units divided by horizontal  
14 boundaries or vertical boundaries that are comprised by, or are located  
15 in, common walls between units.

16 (b) On and after January 1, 2024, any provision of a declaration or the  
17 bylaws of an association that prohibits or unreasonably restricts the  
18 installation or use of a solar power generating system on the roof of a  
19 unit that is a detached single-family detached unit, or is otherwise in  
20 conflict with the provisions of this section, shall be unenforceable. In any  
21 common interest community where a unit is a parcel of land, this section  
22 shall apply to any single-family detached unit constructed on such unit.  
23 This section shall not apply to any unit that has vertical boundaries that  
24 are comprised by, or are located in, common walls between units.

25 (c) To obtain approval to install a solar power generating system  
26 under this section, the owner of a unit shall submit an application to the  
27 executive board of the association. The executive board shall (1)  
28 acknowledge, in writing to the unit owner, the receipt of any such  
29 application not later than thirty days after such receipt, and (2) process  
30 such application in the same manner as an application for an addition,  
31 alteration or improvement pursuant to the declaration or bylaws of the  
32 association. The approval or denial of such application shall be in  
33 writing and be issued to the unit owner not later than sixty days after  
34 the date of receipt of such application. Unless the executive board  
35 requests specific information from the unit owner concerning the  
36 proposed installation of a solar power generating system, the  
37 application shall be deemed approved if sixty days pass from the date  
38 of the executive board's receipt of the application and the executive  
39 board has not denied such application in writing. If a unit owner has  
40 complied with the provisions of this section, the executive board shall  
41 not unreasonably withhold approval of the unit owner's application.

42 (d) If a unit owner's application to install a solar power generating  
43 system is granted or deemed granted by the executive board, the unit  
44 owner shall enter into a written agreement with the association, which  
45 may be recorded on the land records in every town in which the

46 common interest community is located, that requires the unit owner to:

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

49 (2) Engage a registered and insured contractor to install the solar  
50 power generating system who shall, within fourteen days of the  
51 execution of the written agreement, (A) provide a certificate of insurance  
52 that demonstrates liability insurance coverage in an amount not less  
53 than one million dollars and names the association, the association's  
54 manager, if any, and the unit owner as insured parties and evidence of  
55 workers' compensation insurance as may be required by law, and (B)  
56 submit to the association a mechanic's lien waiver in favor of the  
57 association for any work performed on behalf of such unit owner  
58 concerning the installation of such solar power generating system;

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

64 (4) Indemnify the association, the unit owners of the association and  
65 the association's executive board, officers, directors and manager, as  
66 applicable, for (A) any damage or losses caused by the solar power  
67 generating system, or (B) any financial obligations concerning the solar  
68 power generating system; and

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

72 (e) Notwithstanding the provisions of subsections (a) to (d), inclusive,  
73 of this section, an association formed on or before January 1, 2024, may,  
74 by an affirmative vote of not less than seventy-five per cent of the  
75 association's board of directors, opt out of the provisions of said  
76 subsections regarding the installation of any solar generating system,

77 except that, on and after January 1, 2026, no association may opt out of  
78 the provisions of said subsections. Any association that opts out of the  
79 provisions of said subsections shall record on the land records of any  
80 municipality in which the real property of such association is located a  
81 notice of such affirmative vote opting out of the provisions of said  
82 subdivisions not more than thirty days after such vote.

83 (f) The unit owner, and each successive owner of the unit that  
84 acquires the property and assumes the duties imposed by any  
85 agreement pursuant to subsection (d) of this section, shall be responsible  
86 for:

87 (1) Any cost to repair damage to the solar power generating system,  
88 common elements of the association or units resulting from the  
89 installation, use, maintenance, repair, removal or replacement of the  
90 solar power generating system;

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

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

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

98 (5) Disclosing to any prospective buyers regarding (A) the existence  
99 of the solar power generating system, (B) the associated responsibilities  
100 of the unit owner under this section, (C) the existence of any agreement  
101 between the unit owner and the association concerning a solar power  
102 generating system, and (D) the requirement that the purchaser accepts  
103 the solar power generating system unless it is removed prior to the  
104 conveyance of the unit.

105 (g) A solar power generating system installed pursuant to this section  
106 shall meet all applicable health and safety standards and requirements

107 under any state or federal law or local ordinance.

108 (h) An association may:

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

112 (2) Require that a unit owner remove any solar power generating  
113 system installed by the unit owner prior to the unit owner's sale of the  
114 unit unless the purchaser of the unit agrees to (A) take ownership of the  
115 solar power generating system, and (B) assume and be bound by any  
116 agreement between the unit owner and the association that indemnifies  
117 the association, the unit owners of the association and the association's  
118 executive board, officers, directors and manager, as applicable, for any  
119 damage or losses caused by the solar power generating system; and

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

124 (i) In any action by an association seeking to enforce compliance with  
125 this section, the prevailing party shall be awarded reasonable attorney's  
126 fees.

127 Sec. 3. Subsections (g) to (i), inclusive, of section 47-261b of the  
128 general statutes are repealed and the following is substituted in lieu  
129 thereof (*Effective January 1, 2024*):

130 [(g) In the case of a common interest community that is not a  
131 condominium or a cooperative, an association may not adopt or enforce  
132 any rules that would have the effect of prohibiting any unit owner from  
133 installing a solar power generating system on the roof of such owner's  
134 unit, provided such roof is not shared with any other unit owner. An  
135 association may adopt rules governing (1) the size and manner of  
136 affixing, installing or removing a solar power generating system; (2) the

137 unit owner's responsibilities for periodic upkeep and maintenance of  
138 such solar power generating system; and (3) a prohibition on any unit  
139 owner installing a solar power generating system upon any common  
140 elements of the association.]

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

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

144 Sec. 4. Subdivision (2) of subsection (b) of section 8-26a of the general  
145 statutes is repealed and the following is substituted in lieu thereof  
146 (*Effective October 1, 2023*):

147 (2) (A) Any construction on a vacant lot shown on a subdivision or  
148 resubdivision plan approved before, on or after June 1, 2004, shall not  
149 be required to conform to a change in the zoning regulations or  
150 boundaries of zoning districts in a town, city or borough adopted after  
151 the approval of the subdivision or resubdivision. Notwithstanding  
152 subdivision (1) of this subsection, any construction on an improved lot  
153 shown on a subdivision or resubdivision plan approved before, on or  
154 after June 1, 2004, shall be required to conform to a zoning change  
155 adopted subsequent to said lot becoming an improved lot.

156 (B) Notwithstanding the provisions of subsection (a) of section 8-25  
157 or subsection (a) of section 8-26, any vacant lot that is depicted on a  
158 subdivision or resubdivision plan that has been recorded on or before  
159 October 1, 2023, in the land records of the municipality in which such  
160 vacant lot is located, if the recorded chain of title for such vacant lot  
161 references such subdivision or resubdivision plan, shall not be required  
162 to conform to a change in the zoning regulations or the boundaries of  
163 zoning districts in a town, city or borough that are adopted after the  
164 approval or recording of the subdivision or resubdivision plan.

165 (C) Notwithstanding the provisions of subsection (a) of section 8-25  
166 or subsection (a) of section 8-26, any vacant lot that is depicted on a  
167 subdivision or resubdivision plan that, prior to the adoption of zoning

168 regulations, has been recorded on or before October 1, 2023, in the land  
169 records of the municipality in which such vacant lot is located, shall not  
170 be required to conform to a change in the zoning regulations or the  
171 boundaries of zoning districts in a town, city or borough that are  
172 adopted after the approval or recording of the subdivision or  
173 resubdivision plan if such vacant lot conformed at any time with any  
174 zoning regulations that would have applied to such vacant lot if such  
175 vacant lot was depicted on a subdivision or resubdivision plan recorded  
176 after the adoption of zoning regulations.

177 [(B)] (D) For purposes of this subsection, (i) a lot shall be deemed  
178 vacant until the date a building permit is issued with respect thereto and  
179 a foundation has been completed in accordance with such building  
180 permit but shall not be deemed vacant if any structures on such lot are  
181 subsequently demolished, and (ii) a lot shall be deemed improved after  
182 the date a building permit is issued with respect thereto and a  
183 foundation has been completed in accordance with such building  
184 permit.

185 Sec. 5. (*Effective from passage*) (a) On or after July 1, 2023, no building  
186 permit shall be issued for the construction or substantial alteration of a  
187 swimming pool unless a barrier that complies with the requirements of  
188 Section 305 of the International Swimming Pool and Spa Code portion  
189 of the State Building Code is installed around such pool.

190 (b) (1) Any owner of a swimming pool that is not subject to the  
191 provisions of subsection (a) of this section and that, as of July 1, 2023, is  
192 surrounded by a barrier that complies with the requirements of Section  
193 305 of the International Swimming Pool and Spa Code portion of the  
194 State Building Code, shall maintain such barrier in compliance with said  
195 section and shall not be permitted to remove such barrier except for the  
196 purposes of replacing or repairing such barrier.

197 (2) Any owner of a swimming pool that is not subject to the  
198 provisions of subsection (a) of this section and that, as of July 1, 2023, is  
199 not surrounded by a barrier that complies with the requirements of

200 Section 305 of the International Swimming Pool and Spa Code portion  
201 of the State Building Code, shall have a barrier that complies with the  
202 requirements of said section installed not later than July 1, 2024.

203 (c) The provision of Section 305 of the International Swimming Pool  
204 and Spa Code portion of the State Building Code that permits  
205 installation of a powered safety cover that complies with ASTM F1346  
206 as an exception to the requirements of said section shall have no effect  
207 and shall not be construed as an exception to the requirement in  
208 subsection (a) or (b) of this section for the installation and maintenance  
209 of a barrier around a swimming pool that complies with the  
210 requirements of said Section 305.

211 (d) The provisions of this section shall be enforced as if such  
212 provisions were included within the State Building Code, except the  
213 State Building Inspector may not grant variances or exemptions from,  
214 or approve equivalent or alternate compliance with, the requirements of  
215 this section.

216 (e) As soon as practical after the effective date of this section, the  
217 Department of Administrative Services shall (1) inform all local building  
218 officials of the requirements of this section, and (2) conspicuously post  
219 on the Internet web site of the department a notice of the provisions of  
220 this section and the provisions of the State Building Code preempted by  
221 the provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2024	47-257(h)
Sec. 2	January 1, 2024	New section
Sec. 3	January 1, 2024	47-261b(g) to (i)
Sec. 4	October 1, 2023	8-26a(b)(2)
Sec. 5	from passage	New section