

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

H

D

HOUSE DRH30184-LM-82A\* (03/26)

Short Title: Solar Energy Systems.

(Public)

Sponsors: Representative Insko.

Referred to:

A BILL TO BE ENTITLED

AN ACT ENCOURAGING THE USE OF SOLAR ENERGY SYSTEMS AND  
PROHIBITING ORDINANCES, COVENANTS, AND OTHER RESTRICTIONS  
THAT UNREASONABLY RESTRICT THE INSTALLATION OR USE OF SUCH  
SYSTEMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Statutes are amended by adding a new Chapter to  
read:

"Chapter 113C.

"Solar Energy.

**"§ 113C-1. Solar Energy Systems.**

(a) It is the policy of the State to promote and encourage the use of solar energy  
and to remove obstacles that discourage or prevent the use of such systems.

(b) The following definitions apply in this section:

(1) Significantly. -- An amount exceeding twenty percent (20%) of the cost  
of a solar energy system or decreasing the efficiency of a system by an  
amount exceeding twenty percent (20%), as originally specified and  
proposed.

(2) Solar energy system. -- A device or structural design feature, a  
substantial purpose of which is to provide daylight for interior lighting  
or to provide for the collection, storage, conversion, and distribution of  
solar energy for space heating or cooling, water heating, or electricity  
generation.

(c) Notwithstanding any other provision of law, no governing body shall adopt  
an ordinance that effectively prohibits or unreasonably restricts the installation or use of  
a solar energy system. Any covenant, restriction, or other condition contained in any  
deed, contract, security agreement, or other instrument affecting the transfer or sale of

1 any real property or any interest therein that effectively prohibits or unreasonably  
2 restricts the installation or use of a solar energy system is void and unenforceable. For  
3 purposes of this section, an ordinance or covenant, restriction, or other condition  
4 effectively prohibits or unreasonably restricts the installation or use of a solar energy  
5 system if it significantly increases the cost of a solar energy system or significantly  
6 decreases the efficiency or expected performance of a solar energy system.

7 (d) Whenever approval is required for the installation or use of a solar energy  
8 system, the application for approval shall be processed and approved by the approving  
9 entity in the same manner as an application for approval of an architectural modification  
10 to the property. Approval shall not be willfully avoided or delayed.

11 (e) Any person or entity, other than a public entity, that willfully violates this  
12 section shall be liable to the applicant for actual damages resulting from the violation,  
13 and shall pay the applicant a civil penalty in an amount not to exceed one thousand  
14 dollars (\$1,000). In any action to enforce compliance with this section, the prevailing  
15 party shall be awarded costs and reasonable attorney's fees."

16 **SECTION 2.** This act is effective when it becomes law.