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HOUSE DRH60037-MH-38 (03/02)

Short Title:	HOAs/No Prohibit Water or Energy Savings. (Public)
Sponsors:	Representative K. Alexander.
Referred to:	

1   A BILL TO BE ENTITLED
2   AN ACT TO PROVIDE THAT HOMEOWNERS ASSOCIATIONS MAY NOT PROHIBIT
3   THE INSTALLATION OF CERTAIN WATER AND ENERGY EFFICIENCY
4   IMPROVEMENTS BY HOMEOWNERS.
5   The General Assembly of North Carolina enacts:
6   **SECTION 1.** Article 3 of Chapter 47F of the General Statutes is amended by
7   adding a new section to read:
8   "**§ 47F-3-123. Water and energy efficiency improvements.**
9   (a)   Notwithstanding any provision in any declaration of covenants, no restriction on the
10 use of land shall be construed to regulate or prohibit water efficiency or energy efficiency
11 improvements unless:
12   (1)   For declarations of covenants registered prior to October 1, 2011, the
13   covenant prohibits the specific water or energy efficiency improvement
14   installed or proposed to be installed by the property owner.
15   (2)   For covenants registered on or after October 1, 2011, the restriction lists the
16   specific water and energy efficiency measures that are prohibited, and the
17   improvement installed or proposed to be installed by the property owner is
18   substantially the same as a measure listed in the restriction.
19   (b)   For purposes of this section, the following definitions apply:
20   (1)   Water efficiency improvement. – Rain gardens, cisterns, rain barrels, and
21   other devices or landscaping installations intended to capture, collect, or
22   store rainwater or to reduce the need for irrigation.
23   (2)   Energy efficiency improvement. – External sun control or shading devices,
24   the planting of shade trees, and any other measure intended to reduce energy
25   usage for air conditioning during the summer."
26 **SECTION 2.** This act becomes effective October 1, 2011.