

RIVERWOODS HOMEOWNERS' ASSOCIATION SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS SOLAR ENERGY POLICY STATEMENT

HOA Solar Energy Guidelines

The RiverWoods Homeowners' Association covenants have been designed to put into place procedures that will carry forward the RiverWoods community desire to enhance the quality of life and improve the environment. In order to ensure that property owners have the freedom to employ alternative energy solutions if desired, solar collectors may be placed on the roof of a dwelling in the back of the property.

The purpose of this Solar Energy Policy is to establish clear, consistent, and enforceable standards and procedures for the installation, operation, maintenance, repair, and removal of solar energy systems within the RiverWoods subdivision, while preserving the community's architectural character, structural integrity, safety, and welfare, and ensuring compliance with the RiverWoods Declaration of Covenants and Restrictions (C&Rs) and applicable law.

This Policy is adopted by the Board of Directors of the RiverWoods Homeowners' Association pursuant to the HOA's authority to enforce the C&Rs, to administer architectural review, and to adopt reasonable rules for improvements and changes affecting Lots and Dwellings. The Covenants and Restrictions require prior written approval by the Architectural Review Committee (the Committee) before any improvement or exterior change or alteration is made to any Lot or Dwelling, and authorize the Committee to approve or disapprove based on, among other things, materials, color, finish, design, proportion, height, style, location, grading, drainage, and aesthetic considerations.

This Policy is adopted to comply with Michigan Act No. 68 of 2024, the Homeowners' Energy Policy Act (the Act), which requires HOAs to adopt a written Solar Energy Policy, prohibits provisions that have the effect of prohibiting solar energy systems, and sets approval standards and timelines.

This Supplement to the Declaration of Covenants and Restrictions is subject to modification by the Board from time to time to comply with local, state or Federal law.

The Board adopts these guidelines to promote the use of solar energy for heating and cooling and to ensure uniform installation and design of solar energy systems in the RiverWoods subdivision.

- 1) Homeowners should first consider all existing structures and landscaping before selecting a site for any proposed solar energy system.
- 2) All plans must be **PREAPPROVED** by the Board **PRIOR** to installation.
- 3) Location of solar panels is the rear of the house or a rear-facing, roof-mounted array. Flush-mounted panels (i.e. the plane of the array is parallel to the roof) on a roof facing a street will be allowed if documentation is provided from the solar contractor indicating this is the only feasible location for a solar array (see variance). If panels are installed on a rear roof, the array may be tilted or raised if a variance is granted.
- 4) All components of the solar energy system should be integrated into the design of the home. The color of the solar energy system components should generally conform to the color of the roof shingles to the extent practical. Solar "shingles" that mimic the look of a composite shingle are acceptable, but should match the color of the current roof shingles as much as is practical.

- 5) The installation of all solar heating and cooling systems shall only be done by a licensed installer or journeyman plumber. Applications submitted to the Board must include the following:
 - (a) A diagram "drawn to scale" by the licensed contractor installing the system showing where the system will be installed.
 - (b) Photos of the roof area where the array will be mounted.
 - (c) Material to be used and/or manufacturer's description of the system, photos and/or pictures of the system and color of the system.
 - (d) Where possible, provide photos of similar existing systems as examples.
- 6) Piping and electrical connections will be located directly under and/or within the perimeter of the panels, when possible, and placed as inconspicuously as possible when viewed from all angles.
- 7) The highest point of a solar panel array will be lower than the ridge of the roof where it is attached.
- 8) All painted surfaces will be kept in good repair.
- 9) Changes to adjacent property should not impede an existing or soon-to-be-installed solar energy system, or interfere with any existing solar energy easement.
- 10) The approval of an adjacent home or unit owner is not required to approve a homeowner's application to install a solar energy system on the homeowner's home or unit.
- 11) The policy does not include a provision that contradicts the act.
- 12) The homeowners' association will not do any of the following:
 - (A) Inquire into a homeowner's energy usage.
 - (B) Impose conditions that impair the operation of a solar energy system.
 - (C) Impose conditions that negatively impact any component industry standard warranty.
 - (D) Require post-installation reporting.
 - (E) 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.
 - (F) Prohibit a homeowner from resubmitting a written application to install a solar energy system after a written application submitted after the effective date of the act was denied by the homeowners' association.
- 13) The homeowners' association will not deny a homeowner'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 homeowner.
- 14) The homeowners' 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) A court has found that the installation of the solar energy system violates a law.
 - (B) The installed solar energy system threatens the public health or safety of the subdivision.
 - (C) The installed solar energy system substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
 - (D) The installed solar energy system does not substantially conform to the homeowner's application to install the solar energy system as approved by the homeowners' association.
 - (E) The homeowners' association has determined that the solar energy system will be installed on the roof of a home or unit of the homeowner requesting installation and 1 or more of the following apply:
 - (I) The solar energy system will extend above or beyond the roof of that home or unit by more than 6 inches.
 - (II) 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.
 - (III) 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.
 - (F) The homeowners' association has determined that the following apply:
 - (I) The solar energy system will be installed in a fenced yard or patio rather than on the roof of a home or unit.

(II) The solar energy system will be taller than the fence line.

As the RiverWoods subdivision does not allow fencing, pursuant to its C&Rs (Article VI, Section 8), only roof mounted solar energy systems are permitted in conformity with this Policy.

- 15) A homeowner 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.
- 16) Both of the following apply:
 - (A) A homeowner who wants to install a solar energy system in the homeowner's home or unit shall comply with the application requirements under MCL 559.311(1).
 - (B) A homeowner may resubmit a written application to install a solar energy system in accordance with section MCL 559.311(4).
- 17) The homeowners' association shall 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 non-solar energy projects.
- 18) The homeowners' association shall do both of the following:
 - (a) Make a copy of the policy available to a homeowner within 30 days after the adoption of the policy, or on request.
 - (b) If the homeowners' association maintains an internet website, post a copy of the policy on its website.
- 19) Any provision in this policy that conflicts with the act is void and unenforceable.
- 20) Beginning on the effective date of the act, a homeowner who wants to install a solar energy system in the homeowner's home or unit shall submit a written application to the homeowners' association. The written application required under this subsection shall include all of the following information:
 - (a) The homeowner's name.
 - (b) The street address of the location where the solar energy system will be installed.
 - (c) The name and contact information of the person that will install the solar energy system.
 - (d) An image that shows the layout of the solar energy system on the homeowner's home or unit.
 - (e) A description of the solar energy system to be installed.
- 21) Except as otherwise provided in MCL 550.311 and in accordance with this policy, a homeowners' association must approve or deny the homeowner's request to install a solar energy system within 30 days after receipt of the written application, unless certain conditions apply. If the written application is submitted before the homeowners' association adopts the policy described under MCL 559.309(1), the homeowners' association must approve or deny the homeowner's request to install the solar energy system within 120 days after receipt of the written application.
- 22) If a homeowners' association fails to adopt the policy within the time period specified under MCL 559.309(1) or approve or deny the homeowner's request to install the solar energy system within the time period specified under MCL 559.311(2), a homeowner may proceed with the installation of the solar energy system. If the homeowner proceeds with the installation of the solar energy system, the homeowners' association shall not impose fines or otherwise penalize the homeowner for complying with the act.
- 23) A homeowner may resubmit a written application to install a solar energy system that was submitted to and denied by the homeowners' association before the effective date of the act. On receipt of the resubmitted written application, the homeowners' association shall reevaluate the application under this policy.
- 24) This policy does not apply to either of the following in a common area or on a shared roof:
 - (a) The replacement, maintenance, installation, or operation of an energy-saving improvement or modification.
 - (b) The installation of a solar energy system.

- 25) If the homeowners' association violates MCL 559.315, a homeowner may bring a civil action against the homeowners' association for damages. If the homeowner prevails in an action brought under the act, the court may award reasonable attorney fees and the costs incurred in bringing the action.
- 26) If any provision of MCL 559.317 or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and, to this end, the provisions of this policy are severable.
- 27) A variance to certain sections of these guidelines may be granted, if compliance with these guidelines would significantly increase the purchase price of the solar system or significantly decrease its performance or efficiency.
- 28) If a homeowner seeks a variance, they must provide a minimum of two bids depicting the cost of installation of the planning improvements solar energy systems - one bid in compliance with these guidelines and a second bid depicting the desired alternative location, unless the variance represents the only feasible installation location. The Board may require bids or estimates from a second contractor in order to make an informed decision.

RiverWoods HOA
Board of Directors
04/2025