

The Enclave in Flagstaff Homeowners Association, Inc.

Solar Panel Installation Policy and Design Guidelines

Adopted by the Board of Directors 10/06/17

The Board of Directors of The Enclave in Flagstaff Homeowners Association, Inc. (HOA) generally supports home improvements that reduce the members' carbon footprints and recognizes that solar panels are a good, sustainable way to harness the sun's energy. The Board also recognizes that Arizona state statutes specify that an HOA cannot prohibit the installation or use of solar panels. However, such statutes allow the HOA to impose certain restrictions/requirements as to the installation and use of solar panels, so long as the restrictions/requirements do not effectively prohibit the installation or use thereof.

Per Arizona statute, solar energy devices may be installed subject to reasonable rules adopted and amended by the Association from time to time which do not (i) prevent the installation of the device, (ii) impair the functioning of the device, (iii) restrict the use of the device or (iv) adversely affect the cost or efficiency of the device.

The HOA has identified the following requirements to protect the aesthetics of the community and to avoid community costs and liabilities associated with the installation and use of solar panel by individual homeowners (Owners).

1. Installation of solar panels by an Owner on the Owner's Dwelling Unit must be pre-approved by the Enclave's Architectural Review Committee (ARC).
2. Prior to installation of solar panels, the Owner must submit the following to the ARC:
 - drawings that fully describe the proposed location, size and pitch of the solar panels;
 - a pamphlet, brochure or other similar information, that describes the proposed material and aesthetics of the solar panels;
 - information regarding the solar panel's color/frame, which should match the home's colors as closely as possible; and
 - assurance that the panels are non-glare
3. No solar energy devices may be placed on or encroach on the Common Area.
4. The solar panels must be placed at a location on the Dwelling Unit that does not interfere with the solar energy devices' use, efficiency or functioning and is the least visible from other Lots or from any part of the Common Area.
5. The Owner is responsible for seeking and obtaining any required City approvals and/or permits prior to the commencement of solar panel installation.
6. The Owner shall be solely responsible for the installation, care, maintenance and replacement of the solar panels. In no event shall the Association be responsible for any damage to the solar panels due to any cause or thing.
7. Any changes, alterations, adjustments, or deviations from the approved submitted plans must be re-submitted for to the ARC for reconsideration prior to commencing work.

8. Solar panel installations must be adequately engineered to assure integrity of the structure to which the panels are affixed.
9. Notwithstanding any provision to the contrary in the Declaration, any roof leak or leaks or other damages (including damages to the exterior and the interior of the Dwelling Unit) that are the result of or in any way arise from the installation, maintenance, repair or replacement of the solar panels or the location and maintenance of the solar panels on the roof of the Owner's Dwelling Unit shall be the full responsibility of the Owner to have repaired at the Owner's sole cost.
10. If the Board determines that roof maintenance/repair/replacement which requires the removal of the solar panels is needed, it shall be the Owner's sole responsibility at the Owner's sole cost to have the solar panels removed by such date as is designated by the Board and to have the solar panels reinstalled following the completion of such work.
11. Owners who install, operate and maintain solar panels on the roof of their Dwelling Unit shall be solely liable for any damages done to the roof of the Owner's Dwelling Unit, and to any other neighboring properties or individuals, as a result thereof and shall indemnify and hold the HOA harmless from and against such damages and the costs associated with any such damages, including reasonable attorneys' fees and costs.
12. The Owner has the burden to prove that the above rules will interfere with the solar panels' use, efficiency or functioning, or will cause an unreasonable cost increase.
13. Any successor-in-interest to the Owner shall be obligated to comply with the provisions of, and be bound by the obligations of such Owner under, this Policy and Guidelines.