

Summary of Proposed House Bill 389 (as of January 5, 2026)

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Status: House Withdrawn, Recommitted on 02.21.2025

- This proposed bill applies to condominium associations, property owners' associations, and homeowners associations.
- This proposed bill establishes a definition for the term "solar energy device" in the context of associations.
- Impact on condominium associations and property owners' associations:
 - Bans condominium associations from prohibiting or restricting owners from installing, maintaining, or using a solar energy device on the owner's roof or roof structure, even if the roof or roof structure is a common element for which the association bears the costs of maintenance.
 - Bans property owners' associations from prohibiting or restricting owners from installing, maintaining, or using a solar energy device on the owner's roof or roof structure, even if the roof or roof structure is common property for which the association bears the costs of maintenance.
 - Prohibits condominium and property owners' associations from charging a fee in connection with the installation, maintenance, or use of such solar energy device.
 - Allows condominium and property owners' associations to charge the owner who installed the solar energy device the costs of removal and reinstallation of same in order for the association to perform common element / common property roof maintenance as necessary.



- Impact on homeowners associations:
 - Bans homeowners associations from prohibiting or restricting owners from installing, maintaining, or using a solar energy device on the owner's *property*, even if such solar energy device is on a common roof or roof structure for which the association bears the burden of costs of maintenance.
 - Prohibits homeowners associations from charging a fee in connection with the installation, maintenance, or use of such solar energy device.
 - Allows homeowners associations to charge the owner who installed the solar energy device the costs of removal and reinstallation of same in order to perform common property roof maintenance becomes necessary.