

# Missouri Legislature Addresses Solar Panels: Changes Coming for Homeowner Associations

## In the Dirt: A Real Estate Legal Update

By Elizabeth Lum on July 6, 2022

The right to use solar energy has long been considered a property right in Missouri. *See* Section 442.012 RSMo. Even though the right to use solar energy is a property right, it may be subject to restrictive covenants, just like any other property right.

On Wednesday, June 29, 2022, Missouri Governor Parsons signed legislation which will change how homeowners associations may regulate the installation and use of solar energy within their communities, effective as of January 1, 2023.

Under the newly enacted legislation, deed restrictions, indentures, covenants, or similar binding agreements cannot limit or prohibit, or have the effect of limiting or prohibiting, the installation of solar panels or solar collection devices on the rooftop of any property or structure.

Homeowners associations may, however, enact reasonable rules regarding the placement of solar panels or other solar collection devices as long as the rules do not prevent the installation of solar collection devices or impair the functioning, use or efficiency of solar collection devices.

Homeowners associations with existing restrictions prohibiting the use of solar collection devices will likely find their restrictions unenforceable.

All homeowners associations should review their restrictions, and formulate reasonable rules and regulations regarding the installation and operation of solar collection devices. To be enforceable, any such rules or regulations should contain carefully drafted exceptions to prevent a finding that the rules and regulations impair or adversely affect the use, function, cost or efficiency of a solar collection system.

The new legislation does not apply to condominiums or other communities in which the roofs are not owned, maintained or controlled by the homeowners.

The new changes will be added to RSMo 442.404. They go into effect on January 1, 2023.

*Here is a link to the Truly Agreed to and Finally Passed bill text: <https://www.senate.mo.gov/22info/pdf-bill/tat/SB745.pdf>.*

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