

By Mrs. Holland of Longmeadow, petition of Iris K. Holland relative to zoning ordinances or by-laws restricting the use of solar energy systems. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-One.

AN ACT RELATIVE TO SOLAR ACCESS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 40A of the General Laws, as
2 most recently amended by chapter 860 of the acts of 1977, is hereby
3 further amended by inserting after the fourth paragraph the fol-
4 lowing new paragraph: —

5 No zoning ordinance or by-law, or provision thereof, shall pro-
6 hibit or unreasonably restrict the use of solar energy systems, as
7 defined in section twenty-three C of chapter one hundred and
8 eighty-four, other than for the preservation or protection of the
9 public health or safety.

1 SECTION 2. Chapter 184 of the General Laws is hereby
2 amended by inserting after section 23B the following new sec-
3 tion: —

4 *Section 23C.* Any covenant, restriction or condition contained
5 in any deed, contract, security instrument, or other instrument
6 affecting the transfer or sale of, or any interest in, real property
7 which effectively and unreasonably prohibits or restricts the instal-
8 lation or use of a solar energy system is void and unenforceable.

9 A covenant, restriction or condition is unreasonable if it signifi-
10 cantly increases the cost of the system, or significantly decreases its
11 efficiency, or which does not allow for an alternative system of
12 comparable cost and efficiency.

13 As used in this section, a solar energy system shall mean: 1) Any
14 solar collector or other solar energy device whose primary purpose

15 is to provide for the collection, storage and distribution of solar
16 energy for space heating or cooling, or for water heating, or 2) Any
17 structural design feature of a building whose primary purpose is to
18 provide for the collection, storage and distribution of solar energy
19 for space heating or cooling, or for water heating.

1 SECTION 3. Section 1 of chapter 187 of the General Laws is
2 hereby amended by inserting after the first paragraph the following
3 new paragraph: —

4 The provisions of any instrument creating a solar easement shall
5 include, but shall not be limited to the following:

- 6 1) A description of the dimensions of the easement expressed in
7 measurable terms, including vertical or horizontal angles mea-
8 sured in degrees, or the hours of the day on specified dates during
9 which the direct sunlight to a specified surface of a solar device,
10 collector or structural feature may not be obstructed.
- 11 2) The restrictions placed upon vegetation, structures and other
12 objects which would impair or obstruct the passage of sunlight
13 through the easement.
- 14 3) The terms or conditions, if any, under which the easement
15 may be revised or terminated.