

# **Park Place Condominium Association of Ferrysburg, Inc.**

## **Solar Energy Policy Statement**

*Effective as of July 7, 2025*

The Homeowners' Energy Policy Act, MCL 559.301 *et seq.* ("HEPA"), invalidates specific provisions in homeowners' association agreements that prohibit the replacement, maintenance, installation, or operation of specific energy-saving improvements or modifications or the installation of solar energy systems. HEPA also requires homeowners' associations to adopt a written solar energy policy statement that complies with the act's specific terms and conditions.

Article VI, Section 1(b) of the Bylaws states that no Co-owner shall make alterations, additions, or improvements to any common element, nor make changes to the exterior appearance or structural members of his unit without the prior written approval of the Association.

Article II(a) and (f) of the Articles of Incorporation provide that the purposes for which the Association is formed include the authority to manage and administer the affairs of and to maintain Park Place Condominium and to make and enforce reasonable regulations concerning the use and enjoyment of the Condominium.

The Association notes that HEPA's plain language does not indicate that it applies to condominium associations; however, the Association will adopt and maintain the written solar energy policy statement required by HEPA for as long as HEPA remains in effect. Therefore, in compliance with MCL 559.309, the Board now adopts the following Solar Energy Policy Statement.

## **Solar Energy Policy Statement**

**Section 1. Conflict Between Condominium Documents and HEPA.** Under MCL 559.305 and MCL 559.307, to the extent one (1) or more provisions within the Condominium Documents violate HEPA, those provisions are invalid and unenforceable as contrary to public policy, and HEPA will control.

**Section 2. Conflict Between HEPA and Policy Statement.** Under MCL 559.309(1)(e), to the extent any provision within this Solar Energy Policy Statement ("Policy Statement") contradicts HEPA, that provision is void and unenforceable, and the language within HEPA will control.

**Section 3. Applicability to Shared Roofs and Common Areas.** Under MCL 559.313, HEPA does not apply to any shared roofs or common areas in the Condominium, if any. A "shared roof" is defined as a "roof that serves more than one (1) home or unit, including, but not limited to, a contiguous roof that serves adjacent homes or units." "Common areas" are

defined as portions of a building, land, or amenities owned or managed by the homeowners' association that are generally accessible to all association members."

**Section 4. Review and Approval of Solar Energy Systems.**

**A. Definition of Solar Energy System.** MCL 559.303(j) defines a "solar energy system" as "a complete assembly, structure, or design of a solar collector, or a solar storage mechanism that uses solar energy for generating electricity or heating or cooling gases, solids, liquids, or other materials. Solar energy system includes the design, materials, or elements of a solar energy system and its maintenance, operation, labor components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system."

**B. Review and Approval Specifications and Requirements.**

- i. The Co-owner shall submit a written application for the installation of a solar energy system to the Board of Directors pursuant to Article VI, Section 1(b) of the Bylaws. The written application must include the following information under MCL 559.311:
  1. The Co-owner's name.
  2. The Co-owner's street address.
  3. The name and contact information of the person who will install the solar energy system.
  4. An image that shows the layout of the solar energy system on the Co-owner's home.
  5. A description of the solar energy system to be installed.
- ii. The Board of Directors may not ask the Co-owner about their energy usage. The Board of Directors may not consider the identity of the entity that owns the solar energy system or the financing method chosen by the Co-owner when considering whether to approve their application.
- iii. The Association's application review fee must be the same as other alteration and modification requests.
- iv. When reviewing a Co-owner's application, the Board of Directors will consider all the following:
  1. Solar energy systems may be installed on a roof face.
  2. Installing a solar energy system does not require specific

technology, such as solar shingles or traditional solar panels.

3. The approval of an adjacent Co-owner is not required.
4. Any standards enforced under this Policy Statement may not reduce the estimated annual electricity production of the solar energy system by more than ten (10%) percent.
5. Any standards enforced under this Policy Statement may not increase the total cost of the solar energy system installation to the Co-owner by more than \$1,000.00.
6. No conditions that impair the operation of the solar energy system may be imposed.
7. No conditions that negatively impact any component industry standard warranty may be imposed.

**C. Denying Applications to Install Solar Energy Systems.** The Board of Directors may deny a written application to install a solar energy system if one or more of the following apply:

- i. A court has found that the installation violates a law.
- ii. The installed solar energy system does not substantially conform to the Co-owner's approved application.
- iii. The Board of Directors has determined that the solar energy system will be installed on the roof of the Co-owner's home and:
  1. The solar energy system will extend above or beyond the roof of the home by more than six (6") inches;
  2. 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; or
  3. The solar energy system has a frame, support bracket, or visible conduit or wiring that is not silver, bronze, or black in tone, commonly available in the marketplace.
- iv. The Board of Directors has determined that both:
  1. The solar energy system will be installed in a fenced yard or patio rather than on the roof of a home or unit; and



2. The solar energy system will be taller than the fence line.

**D. Deadline to Approve or Deny Application.** The Board of Directors will approve or deny the Co-owner's application within thirty (30) days of receipt. If the Board of Directors does not approve or deny the Co-owner's application within thirty (30) days of its receipt, the Co-owner may proceed with the installation of the solar energy system in compliance with HEPA and the Association may not impose fines or otherwise penalize the member for complying with HEPA.

**Section 5. Resubmission of Solar Energy System Applications.** If the Board of Directors previously denied a Co-owner's application to install a solar energy system before the enactment of HEPA, the Co-owner may submit another written application to the Board, and the Board will reconsider the application under HEPA. If the Board of Directors denies a Co-owner's application to install a solar energy system that was submitted after the enactment of HEPA, the Co-owner may later resubmit another written application to install a solar energy system.

**Section 6. Post-Installation Reporting.** The Association will not require post-installation reporting after installing the Co-owner's solar energy system.

**Section 7. Compliance with State and Local Laws.** Co-owners will comply with all state and local building codes and permit requirements when installing solar energy systems.

**Section 8. Maintenance, Repair, and Replacement.** Co-owners who have a solar energy system are responsible for maintaining, repairing, and replacing the solar energy system so that it remains in good condition and repair.

Damage to another unit or the common elements resulting from a failure of the Co-owner to adequately maintain, repair, or replace the solar energy system is the responsibility of the Co-owner.

**Section 9. Removal of Solar Energy Systems.** The Association may require the removal of a solar energy system if it is not maintained according to Section 8 above or if one (1) or more of the conditions outlined in Section 4(C) above apply.

**Section 10. Distribution and Availability of Policy Statement.** This Policy Statement was made available to the Association's members no later than thirty (30) days after its adoption. It will be made available to the Co-owners upon request. If the Association maintains an Internet website, this Policy Statement will be posted and maintained on that website.

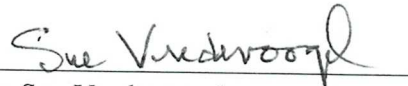
**Section 11. Invalidity or Repeal of HEPA.** If HEPA is found unenforceable under Michigan law or is repealed, this Policy Statement will automatically be rescinded and no longer in effect.

**Section 12. Severability.** If any one or more of the provisions in this Policy Statement is, for any reason, held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision of this Policy Statement. This Policy Statement will be construed as having never contained any invalid, illegal, or unenforceable provision.

This Solar Energy Policy Statement was adopted by the Board of the Park Place Condominium Association of Ferrysburg, Inc. at its meeting on July 7, 2025.

**BOARD OF DIRECTORS**

**PARK PLACE CONDOMINIUM  
ASSOCIATION OF FERRYSBURG,  
INC.**

A handwritten signature in cursive script, reading "Sue Vredevoogd", written over a horizontal line.

By: Sue Vredevoogd

Its: President