

**FINAL
FISCAL NOTE**

Drafting Number: LLS 09-0474**Date:** June 4, 2009**Prime Sponsor(s):** Rep. Kerr A.
Sen. Gibbs**Bill Status:** Postponed Indefinitely**Fiscal Analyst:** Harry Zeid (303-866-4753)

TITLE: CONCERNING THE REMOVAL OF RESTRICTIONS ON THE USE OF ENERGY EFFICIENCY MEASURES IN CONNECTION WITH REAL PROPERTY.**Summary of Legislation**

HB09-1107 prohibits regulations of unit owner associations (HOAs), covenants, or deed restrictions that increase the cost of renewable energy generation devices (such as solar panels) by more than 10 percent or \$500, whichever is less, or reduce their efficiency by more than 10 percent. In addition, HOAs will be prohibited from denying the installation of energy efficiency measures (such as awnings, evaporative coolers, or outdoor solar lights) by increasing their cost by more than 10 percent or \$200, whichever is less, or reducing their efficiency by more than 10 percent.

Action on applications for the installation of renewable energy generation devices and energy efficiency measures will be required within sixty days, regardless of whether the HOA has a generally applicable standard, guideline, or policy in place when the application is made.

The bill was postponed indefinitely by the House Transportation and Energy Committee on February 5, 2009.

Assessment

The bill clarifies existing law concerning HOAs and resident interaction related to energy efficiency measures. The bill also states that in any litigation involving an increase in cost or decrease in efficiency of an energy efficiency measure, the party that prevails shall be entitled to reasonable attorney fees and costs incurred in litigating that issue.

In general, the Judicial Branch assumes that HOAs, when made aware of the law, will comply with its provisions. The clarification provided by the bill will make it easier for the parties involved in the dispute to understand the law. The bill will have a negligible impact on the workload of the courts. On this basis, the bill is assessed as having no fiscal impact.

Departments Contacted

Judicial