

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 3 - 0

Yeas: Bailey, Barnhart, Boone, Smith J., Cannon

Nays: Bentz, Gilliam, Jenson

Exc.: 0

Prepared By: Beth Patrino, Administrator

Meeting Dates: 4/9, 4/23, 4/28

WHAT THE MEASURE DOES: Defines “solar energy system” as device, structure, mechanism or series of mechanisms that use solar radiation as source for heating, cooling, or electrical energy, including a device, structure or mechanism for radiant drying of clothing in open air. Prohibits provision in instrument conveying or contracting to convey fee title to real property a prohibition on use of solar energy systems or restriction on orientation or use of such systems in a manner that impairs effective operation. Authorizes owner subject to such provision to file a petition to remove provision. Declares void and unenforceable a provision in declaration or bylaws of a planned community or condominium that prohibits or restricts use of solar energy systems. Specifies that owner is not authorized to install system in or on common property (in planned communities) or general common element (for condominiums). Allows provision that establishes reasonable restrictions on size, appearance or location of systems that do not impair effective operation. Amends statute allowing petition to remove provisions to include those that violate this Act.

ISSUES DISCUSSED:

- Clotheslines prohibited in some communities
- Need to ensure common areas or elements (such as shared walls) not affected by legislation
- Existing statutes relating to solar energy devices
- Use of household electricity by clothes dryers

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: ORS 105.880 prohibits inclusion in an instrument conveying or contracting to convey real property a provision prohibiting the use of solar energy systems. House Bill 3090A expands the definition of “solar energy systems” to include a device, structure or mechanism for radiant drying of clothing in open air. The measure also extends the prohibition to the declaration or bylaws of a planned community or condominium.