

**B-Engrossed**  
**House Bill 3090**

Ordered by the Senate June 23  
Including House Amendments dated May 1 and Senate Amendments dated  
June 23

Sponsored by Representative CANNON, Senator DINGFELDER; Representatives BAILEY, BARNHART, BRUUN,  
BUCKLEY, DEMBROW, HARKER, HOLVEY, READ, STIEGLER, Senators HASS, ROSENBAUM

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Prohibits inclusion in instrument conveying or contracting to convey real property or in declaration or bylaws of community or condominium governed by declaration of certain provisions prohibiting or limiting use of renewable energy devices.]*

*[Specifies procedures by which owner of property may petition to remove provision from instrument.]*

**Prohibits provision of declaration or bylaws of planned community or condominium from prohibiting installation or use of renewable energy device. Exempts from prohibition agreements in effect before effective date of Act.**

**A BILL FOR AN ACT**

1  
2 Relating to renewable energy.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 94.550 to 94.783.**

5 **SECTION 2. (1) As used in this section, "renewable energy device" means:**

6 (a) A solar panel or other device for obtaining energy from solar, wind or other  
7 renewable resources; or

8 (b) A clothesline or other device that uses solar, wind or other renewable energy re-  
9 sources to accomplish household tasks.

10 (2) A provision of a declaration or the bylaws of a planned community, or any other  
11 agreement limiting the rights of an owner, may not prohibit the installation or use of a  
12 renewable energy device on the owner's lot unless the provision or agreement was in effect  
13 before the effective date of this 2009 Act.

14 (3) This section does not:

15 (a) Authorize an owner to install a renewable energy device in or on common property  
16 or property maintained by the homeowners association.

17 (b) Prohibit inclusion in a declaration or the bylaws, or any other agreement limiting the  
18 rights of an owner, of a provision that establishes reasonable restrictions on size, appearance  
19 or location of a renewable energy device without impairing effective operation of the  
20 renewable energy device.

21 **SECTION 3. Section 4 of this 2009 Act is added to and made a part of ORS chapter 100.**

22 **SECTION 4. (1) As used in this section, "renewable energy device" means:**

23 (a) A solar panel or other device for obtaining energy from solar, wind or other

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 renewable resources; or

2 (b) A clothesline or other device that uses solar, wind or other renewable energy re-  
3 sources to accomplish household tasks.

4 (2) A provision of a declaration or the bylaws of a condominium, or any other agreement  
5 limiting the rights of a unit owner, may not prohibit the installation or use of a renewable  
6 energy device in or on the unit owner's unit or in or on limited common elements reserved  
7 exclusively for the use of the owner's unit unless the provision or agreement was in effect  
8 before the effective date of this 2009 Act.

9 (3) This section does not:

10 (a) Authorize a unit owner to install a renewable energy device in or on limited common  
11 elements that are reserved for the use of more than one unit or in or on general common  
12 elements.

13 (b) Prohibit inclusion in a declaration or the bylaws, or any other agreement limiting the  
14 rights of a unit owner, of a provision that establishes reasonable restrictions on size, ap-  
15 pearance or location of a renewable energy device without impairing effective operation of  
16 the renewable energy device.

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