

Ohio S.B. 61 Adds Protections for Solar Panels on Condominium and Planned Community Homes

By Lauren Zidones & Abigail Burke

Senate Bill 61, signed into law by Governor Mike DeWine in June, goes into effect on September 13, 2022. The bill allows homeowners and condominium owners who are subject to Homeowners Association (“HOA”) and Condominium Owners Association (“COA”) rules and regulations to install solar panels to roofs and other designated locations within their lot or on their unit with less interference by the HOA or COA.

Once in effect, unless the HOA or COA declaration specifically prohibits solar panels¹, homeowners and condominium owners may install solar panels or solar energy collection devices, subject to certain conditions described below. Previously, Ohio law permitted HOAs and COAs to broadly restrict the ability of homeowners to go solar.

Conditions for Homeowners Associations: Unless specifically prohibited by the declaration, homeowners may place solar panels on a roof or other location within the homeowner’s lot if either condition applies: (1) the owner is responsible for “the cost to insure, maintain, repair, and replace”² the roof or other location within the lot or (2) the declaration specifically allows for and regulates solar panels and “establishes responsibility for the cost to insure, maintain, repair, and replace such devices.”³

Conditions for Condominium Owners Associations: The provision relating to COAs is mirrored from the HOA provisions and establishes that unless specifically prohibited by the declaration, condominium owners may place solar panels on a roof if either condition applies: (1) the unit, as defined by the declaration, includes the roof and the owner is responsible for “the cost to insure, maintain, repair, and replace”⁴ the roof or (2) the declaration specifically allows for and regulates solar panels and “establishes responsibility for the cost to insure, maintain, repair, and replace such devices.”⁵ Condominium owners that have units directly below or above their unit are specifically excluded from installing solar panels.

A goal of the supporters of the bill was to ensure greater access to solar panels with fewer restrictions placed on homeowners by HOAs and COAs in Ohio. The law does this by restricting HOAs and COAs from placing unfair restrictions on homeowners by only allowing “reasonable restrictions concerning the size, place and manner of placement”⁶ of solar panels and solar energy collection devices. The “reasonable restrictions” may vary and look different for each community.

In conclusion, Senate Bill 61 significantly expands homeowner’s and condominium owners’ rights to install and benefit from solar energy while allowing homeowner associations and condominium owner associations authority to restrict the “size, place and manner of placement” in a reasonable manner.

For questions regarding your HOA or COA Declaration, please contact Lauren Zidones at lzidones@ralaw.com or any of the listed Roetzel attorneys.

¹ S.B. 61 § 5311.192 (A); S.B. 61 § 5312.16. (A)

² S.B. 61 § 5312.16(A)(1)

³ S.B. 61 § 5312.16(A)(2)

⁴ S.B. 61 § 5311.192 (A)(1)

⁵ S.B. 61 § 5311.192 (A)(2)

⁶ S.B. 61 § 5311.192 (B); S.B. 61 § 5312.16(B)

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