# MOON SHADOWS ON RUSH LAKE HOMEOWNER ASSOCIATION

# SOLAR ENERGY POLICY STATEMENT

The Board of Directors of Moon Shadows on Rush Lake Homeowner Association (the “Association”) adopts this Solar Energy Policy Statement (“Policy”) on the 7th day of June, 2025, effective July 1, 2025.

# BACKGROUND

1. The Association is responsible for the governance, maintenance, and administration of Moon Shadows on Rush Lake (the “Condominium”).
2. The Association’s Board of Directors (“Board”) desires to adopt rules governing the installation, maintenance, and use of Solar Energy Systems (defined below) within the Condominium.
3. This Policy establishes guidelines for the replacement, maintenance, installation, or operation of Solar Energy Systems by Association Members (defined below), in compliance with the Homeowners’ Energy Policy Act (Public Act 68 of 2024) (the “Act”).

The Association’s Board adopts this Policy, which is binding upon all Co-owners and their tenants, occupants, successors, and assigns, and which supersedes any Governing Document (defined below) provisions and previously adopted rules on the same subject matter:

# DEFINITIONS

1. “Common Area” means a portion of a building, land, or amenities owned or managed by the Association that is generally accessible to all Members, including, without limitation, roads, sidewalks, wetlands, or open spaces.
2. “Energy Saving Improvement or Modification” means and includes, but is not limited to, clotheslines, air source heat pumps, ground source heat pumps, insulation, rain barrels, reflective roofing, energy efficient appliances, solar water heaters, electric vehicle supply equipment, energy-efficient windows, and energy-efficient insulation materials.
3. “Governing Documents” means the Association’s Master Deed, Bylaws, and rules and regulations, all as may be amended.
4. “Limited Common Element” refers to any area of the Condominium which is defined as a Limited Common Element under the Governing Documents.
5. “Member” means a Co-owner of a Unit within the Condominium.
6. “Solar Energy System” (SES) means a complete assembly, structure, or design of a solar collector or solar storage mechanism that uses solar energy for generating electricity or heating or cooling materials.

# ENERGY SAVING IMPROVEMENTS OR MODIFICATIONS

1. Energy Savings Improvements or Modifications within a Unit or a Unit’s Limited Common Elements. Any provision in the Association’s Governing Documents that prohibits or requires approval for the replacement, maintenance, installation, or operation of Energy Saving Improvements or Modifications within their Unit or the Unit’s Limited Common Elements is invalid and unenforceable. Members are not required to request or obtain approval from the Association to install an Energy Saving Improvement or Modification within their Unit or Limited Common Element areas.
2. Auxiliary Changes. Members are not required to obtain Association approval for auxiliary changes necessary for the installation of Energy-Saving Improvements or Modifications located within their Unit or Limited Common Element areas.
3. Prohibition of Modification or Alteration within Common Areas. Members are prohibited from installing Energy Saving Improvements or Modifications within any Common Area without first obtaining the Board’s prior written approval. The Board has the right to refuse to approve any proposed Energy Savings Improvement or Modification installed in any of these areas that is not suitable or desirable in its opinion for aesthetic or any other reason.

# SOLAR ENERGY SYSTEMS

1. **Application Process for Solar Energy Systems.**
2. Application Required. A Member desiring to install a Solar Energy System in the Member’s residence or on their Unit, or which requires modification of a Limited Common Element or Common Area, shall submit a written application to the Association prior to installation. The written application must include all of the following information:
3. The Member’s name. [Must have legal title or exclusive control over property]
4. The street address of the location where the Solar Energy System will be installed.
5. The name and contact information of the licensed and insured person who will install the Solar Energy System.
6. An image showing the detailed layout of the Solar Energy System on the member’s residence or Unit. Provide roof photos and/or elevations
7. A description of and specifications of the proposed Solar Energy System to be installed.
8. The SES complies with all applicable federal, state, and local building codes, safety standards, and permit requirements.
9. The SES system meets industry standards such as UL (Underwriters Laboratories) certification or equivalent.

2. Time Frame for Approval or Denial. The Board must approve or deny the Member’s request to install a Solar Energy System within the Unit’s Limited Common Elements, in the Member’s residence, or on their Unit within 30 days after receipt of the written application. The criteria for denial are described in Section III(B) below. If the Board fails to approve or deny the Member’s application within 30 days of receipt, the Member may proceed with the installation of the Solar Energy System within the Unit’s Limited Common Elements, in the Member’s residence, or on their Unit, as applicable. This provision does not apply to Common Areas.

3. Application Resubmittal. A Member may resubmit a written application to install a Solar Energy System within the Unit’s Limited Common Elements, in the Member’s residence, or on their Unit, which was submitted to and denied by the Board before the effective date of the Act. Upon receipt of the resubmitted written application, the Board shall reevaluate the application in accordance with the Act. This provision does not apply to Common Areas.

4. Approval of Individual Members not Required. The approval of any individual Member, including any Member owning a Unit adjacent to the applying Member, is not required to approve a Member’s application to install a Solar Energy System within the Member’s residence or Unit.

5. Compliance with Policy and Act. The Board will review applications based on compliance with this Policy and the Act.

6. Application Fee. The Association may charge a reasonable fee for reviewing written application requests for the installation of a Solar Energy System, which fee shall not exceed the amount established for reviewing any other request for modification or alteration of the residence or Unit.

7. Prohibitions on Association. In reviewing an application for installation of a Solar Energy System, the Association will **not** do any of the following:

1. Inquire into a Member’s energy usage.
2. Impose conditions that impair the operation of a Solar Energy System
3. Impose conditions that negatively impact any component industry standard warranty.
4. Require post-installation reporting.
5. Require a fee for submitting an application to install a Solar Energy System above that which it assesses for other applications related to a change to the property.
6. Prohibit a Member from resubmitting a written application to install a Solar Energy System after the Association denied a written application submitted after the effective date of this Act.
7. Require approval from adjacent homeowners for SES installation.
8. Deny a Member’s application to install a Solar Energy System because of the identity of the entity that owns the Solar Energy System or the financing method chosen by the Member.
9. Impose standards that reduce the system’s annual electricity production by more than 10% or increase installation costs by more than $1,000.

B. Installation of Solar Energy Systems in General

1. Common Areas. Section B does not apply to Common Areas.
2. Criteria for Denial or Removal. The Board may deny an application to install a Solar Energy System or require the removal of a Solar Energy System if one or more of the following apply:

a. A court has found that the installation of the Solar Energy System violates a law.

b. The installed Solar Energy System does not substantially conform to the Member’s application to install the Solar Energy System as approved by the Board.

c. The Board has determined that the Solar Energy System will be installed on the roof of a residence of the Member requesting installation and one or more of the following apply: (i) the Solar Energy System will extend above or beyond the roof of that home by more than six (6) inches; (ii) 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; (iii) the Solar Energy System has a frame, support bracket, or visible conduit or wiring that is not silver, bronze, or black tone that are commonly available in the marketplace; (iv) the SES is damaged or inoperable; (v) the SES no longer complies with applicable laws and regulations.

d. The Board has determined that both of the following apply: (i) the Solar Energy System will be installed in a fenced yard or patio rather than on the roof of a home; and (ii) the Solar Energy System will be taller than the fence line.

3. Location Preferences. Although not required, the Board prefers that Members minimize the visibility of Solar Energy Systems from the roadway that fronts the Member’s Unit and from outside the Unit to the extent possible, including the preference that the inverter be located inside the Residence.

4. Color Preferences. Although not required, the Board prefers that the Solar Energy System and mounting system be compatible in color with the established roof materials.

5. Requirements. A Member shall comply with state and local building codes and permit requirements in the replacement, maintenance, installation, or operation of an energy-saving improvement or modification, or the installation of a Solar Energy System.

6. Maintenance, Repair, and Replacement. Members are responsible for maintaining, repairing, and replacing their Solar Energy System. Members shall ensure their Solar Energy System remains in good condition and repair, and in compliance with all applicable State and local building codes and permit requirements. Any replacement Solar Energy Systems or components must comply with this Policy.

7. Conform to Policy Statement. Any proposed Solar Energy System installation must conform to the terms of this Policy Statement.

8. Installation of Solar Energy Systems in Common Areas. Notwithstanding any other provision contained in this Policy, including, without limitation, the provisions contained in Section B above, no Member may install a Solar Energy System in a Common Area without first obtaining the Board’s prior written approval. The Board has the right to refuse to approve any proposed Solar Energy System installed in any of these areas that is not suitable or desirable in its opinion for aesthetic or any other reasons.

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Respectfully submitted,

Board of Directors, Moon Shadows on Rush Lake Homeowner Association

**MSHOA Homeowner’s Solar Installation Application Checklist**

(Please ensure all items are submitted with your Architectural request to the Architectural Committee.)

**Homeowner Information**

☐ Full name of homeowner(s)

☐ Property address

☐ Contact information (phone &amp; email)

**Installer Information**

☐ Name of licensed solar contractor

☐ Business license number and expiration

☐ Proof of liability insurance and bonding

☐ Installer contact details (phone, email, business address)

☐ Local building permit approval (if already obtained; if not, indicate pending)

**System Specifications &amp; Design**

☐ Product specifications (make, model, quantity)

☐ UL certification or equivalent for all major system components

☐ Layout diagram showing panel placement and orientation

☐ Rendered image or simulation (if available) showing how the system will appear when installed

☐ Color of visible components (frames, conduits, etc.)

☐ Mounting details (flush, tilted, integrated, etc.)

☐ Height from roof surface (not to exceed 6 inches)

**Site Information**

☐ Aerial site plan (Google Maps or similar) showing SES location

☐ Recent photos of the roof or proposed installation area

☐ Identification of roof type (shingle, metal, tile, etc.)

☐ Notation of any shared roof or property lines (if applicable)

**Construction & amp; Maintenance Plan**

☐ Estimated installation timeline

☐ Statement of homeowner’s responsibility for future maintenance and removal

☐ Commitment to repair damage resulting from installation

☐ Warranty documentation (manufacturer and installer warranties)

☐ Signature of homeowner(s) and date