

Leewood Homeowners Association, Inc.

Policy Resolution No. 9
Solar Energy Collection Devices and Facilities

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Leewood Homeowners Association, Inc. (“Declaration”), as amended, the By-Laws of Leewood Homeowners Association, Inc. (“By-Laws”), as amended, and the Articles of Incorporation of Leewood Homeowners Association, Inc. (“Articles of Incorporation”), as amended, collectively known as the Governing Documents of Leewood Homeowners Association, Inc. (“Association”), provide that the Lots are subject to the Governing Documents and the rules and regulations of the Association; and

WHEREAS, Article I, Section 1 (c) of the Declaration provides that Common Area shall mean all real property owned by the Association for the common use and enjoyment of the Owners of the Association; and

WHEREAS, Article I, Section 1 (b) of the Declaration provides that the Properties shall mean to the current real property referred to in Article III of the Declaration and such additions as may be brought within the jurisdiction of the Association; and

WHEREAS, Article I, Section 1 (d) of the Declaration provides that Lot shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties, with the exception of the Common Area; and

WHEREAS, Article VIII, Section 1 of the Declaration provides that no structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change, alteration, or improvement thereof be made until the plans and specifications showing the nature, kind, shape, height, materials, and location shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association (“Board”); and

WHEREAS, the Declaration does not expressly address solar energy collection devices and facilities; and

WHEREAS, the public policy of the Commonwealth of Virginia, as reflected in the Virginia Energy Plan, as amended, favors investment in clean, renewable energy, such as solar energy; and

WHEREAS, Section 67-701 of the Code of Virginia, as amended, prohibits community associations from enacting any provisions the installation and use of solar energy collection devices and facilities on the Lots, unless the recorded Declaration establishes such a prohibition; and

WHEREAS, Section 67-701 of the Code of Virginia states that a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices and facilities on the individual Lots or Dwelling Units; and

WHEREAS, Section 67-701 of the Code of Virginia provides that a restriction shall be deemed to not be reasonable if the application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by ten percent below the projected energy production of the initially proposed installation (“Reasonable Restrictions”); and

WHEREAS, the Owner shall provide documentation prepared by an independent solar energy specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the Association to show that the restrictions set forth below in this Resolution are not reasonable according to the criteria in Section 67-701 of the Code of Virginia; and

WHEREAS, Section 67-701 of the Code of Virginia provides that the Association may prohibit the installation of solar energy collection devices and facilities on the Common Area; and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing the installation and use of solar energy collection devices and facilities that are in the best interests of the Association; and

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts this resolution regarding solar energy collection devices and facilities:

Owners may install solar energy collection devices and facilities on their Lot and/or Dwelling Unit subject to the following restrictions:

A. Size and Type

1. Solar collection energy devices and facilities shall be as close to flat on the roof as possible (parallel to roof surface and flush mounted).

2. The size of solar collection energy devices and facilities shall be within current net metering limitations.

3. Design of solar collection energy devices and/or facilities must be compatible, blend in, and be in architectural harmony with the design of the Dwelling Unit.

B. Location

1. Solar collection energy devices and facilities must be installed on the individually owned Dwelling Unit as designated on the recorded deed to said Lot.

2. Solar collection energy devices and facilities shall be located in a place on the Dwelling Unit that is shielded from view from the private streets owned by the Association as Common Area to the maximum extent possible so long as the location is this requirement is deemed a Reasonable Restriction pursuant to Section 67-701.B of the Code of Virginia.

3. Ground mount systems are prohibited so long as location on the Dwelling Unit permits the Owner to collect and store solar energy and the Board determines there is sufficient space.

C. Association Approval

1. No solar collection energy devices and facilities shall be erected, placed, altered or installed until the plans and specification showing the location of the solar collection energy devices and facilities shall be filed with and approved by the Board as to quality of workmanship and materials, color, texture, harmony of external design with surrounding structures, location with respect to topography and finished grade elevation, and the effect on the outlook from surrounding property and other factors which will affect the desirability and suitability of the construction.

D. Installation

1. All installations shall be completed so they do not damage the Common Area or any other Owner's Lot or Dwelling Unit.

2. Wiring and other components shall be concealed as much as possible so long as concealment is a deemed a Reasonable Restriction pursuant to Section 67-701.B of the Code of Virginia.

E. Maintenance and Safety

1. The solar collection energy devices and facilities shall be kept in good order and repair. In the event of fire, windstorm or other damage, no solar collection energy devices and facilities shall be permitted to remain in a damaged condition for longer than three (3) months. In the event that a safety concern is created, the Owner of the Dwelling Unit shall address it immediately.

2. Solar collection energy devices and facilities shall be installed, secured, and maintained in a manner that complies with all applicable County and State codes, laws, and regulations, including the obtaining of all required permits and inspections. Compliance with this Resolution does not equate to compliance with the applicable

building codes or recognized safety standards, the Fairfax County Zoning Ordinance and its regulations, or any other relevant County or Virginia law.

F. Use of Common Area and Prohibited Encroachment

1. The Association prohibits the installation of solar energy collection devices and facilities on the Common Area by an individual Owner, as this may be deemed an exclusive use of the Common Area by an Owner not expressly authorized in the Declaration. However, the Board reserves the authority to make improvements and install solar energy collection devices and facilities on the Common Area for the use of the Association as it sees fit in its discretion.

2. The Association prohibits the installation of solar energy collection devices and facilities on the Lot or Dwelling Unit that encroach on the Common Area or any other Owner's Lot or Dwelling Unit.

G. Enforcement

1. The Association, or any Owner, shall have the right to enforce the Declaration and any provision of this Resolution according to the remedies set forth in Article XI, Section 1 of the Declaration and Sections 55.1-1819 and 55.1-1828 of the Property Owners' Association Act.

2. Any installation of solar energy collection devices and facilities approved by the Association prior to the adoption of this Resolution is deemed to be grandfathered in. Should those "grandfathered" solar energy collection devices and facilities be substantially repaired or replaced, the provisions of this Resolution shall then be complied with.

H. Distribution.

The Board directs that this Resolution shall be reasonably published or distributed to the Owners of the Association and included in the resale packet.

ADOPTED as action without a meeting of the Board of Directors on May 25, 2022.

The effective date of this Resolution is May 25, 2022.

Leewood Homeowners Association, Inc.

By: *Khaleaph Luis*
President

Attest: *Patricia Willingham*
Secretary