

Introduced: 4/1/81
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 442

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the enforceability of covenants
7 or restrictions relating to installation or use of
8 solar energy systems; and providing for an effective
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 34.50 is amended by adding a new section to read:

12 CHAPTER 50. ACTIONS RELATING [FOR INJURIES] TO PROPERTY INTERESTS.

13 Sec. 34.50.030. COVENANT AND RESTRICTIONS RELATING TO SOLAR
14 ENERGY SYSTEMS. (a) A covenant, restriction, or condition contained
15 in a deed, contract, security instrument, or other instrument conveying
16 an interest in real property which prohibits or unreasonably restricts
17 the installation or use of a solar energy system is void and unenforce-
18 able.

19 (b) The provisions of (a) of this section do not apply to a
20 covenant, restriction, or condition which imposes a reasonable restric-
21 tion on the installation or use of a solar energy system. A covenant,
22 restriction, or condition imposes a restriction that is reasonable if
23 the restriction

24 (1) does not significantly increase the cost of the solar
25 energy system;

26 (2) does not significantly decrease the efficiency of a
27 solar energy system; or

28 (3) allows the installation and use of an alternative energy
29 system of comparable cost and efficiency.

1 (c) In this section,

2 (1) "alternative energy system"

3 (A) means a source of thermal, mechanical, or electrical
4 energy which is not dependent on oil or gas or a nuclear fuel for
5 the supply of energy for space heating and cooling, refrigeration
6 and cold storage, electrical power, mechanical power, or the
7 heating of water;

8 (B) includes

9 (i) an alternative energy property as defined by
10 sec. 48(1)(3)(A) of the Internal Revenue Code (26 U.S.C.
11 sec. 48(1)(3)(A));

12 (ii) a method of architectural design and construc-
13 tion which provides for the retention of heat by the use of
14 an amount or quality of insulation which exceeds the amount
15 or quality of insulation used in standard building construc-
16 tion; and

17 (iii) any other device approved by the commissioner
18 of commerce and economic development under AS 44.33.040(12);

19 (2) "solar energy system" means a device, architectural
20 design feature, or structural element of an improvement which collects,
21 converts, stores, or distributes solar energy.

22 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
23 070(c).