

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 282

Short Title: HOAs/No Prohibit Water or Energy Savings. (Public)

Sponsors: Representatives K. Alexander, R. Moore, Hall, and Harrison (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT HOMEOWNERS ASSOCIATIONS MAY NOT PROHIBIT
THE INSTALLATION OF CERTAIN WATER AND ENERGY EFFICIENCY
IMPROVEMENTS BY HOMEOWNERS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 47F of the General Statutes is amended by
adding a new section to read:

"§ 47F-3-123. Water and energy efficiency improvements.

(a) Notwithstanding any provision in any declaration of covenants, no restriction on the
use of land shall be construed to regulate or prohibit water efficiency or energy efficiency
improvements unless:

(1) For declarations of covenants registered prior to October 1, 2011, the
covenant prohibits the specific water or energy efficiency improvement
installed or proposed to be installed by the property owner.

(2) For covenants registered on or after October 1, 2011, the restriction lists the
specific water and energy efficiency measures that are prohibited, and the
improvement installed or proposed to be installed by the property owner is
substantially the same as a measure listed in the restriction.

(b) For purposes of this section, the following definitions apply:

(1) Water efficiency improvement. – Rain gardens, cisterns, rain barrels, and
other devices or landscaping installations intended to capture, collect, or
store rainwater or to reduce the need for irrigation.

(2) Energy efficiency improvement. – External sun control or shading devices,
the planting of shade trees, and any other measure intended to reduce energy
usage for air conditioning during the summer."

SECTION 2. This act becomes effective October 1, 2011.

