

Wabeek-on-the-Green Association

Solar Energy Policy Statement

Effective as of May 1, 2026

The Homeowners' Energy Policy Act, MCL 559.301 *et seq.* ("HEPA"), invalidates certain provisions in homeowners' association agreements that prohibit the replacement, maintenance, installation, or operation of certain energy-saving improvements or modifications or the installation of solar energy systems. HEPA also requires homeowners' associations to adopt a written solar energy policy statement that complies with the act's requirements.

Under Article I, Section 1 of the Condominium By-Laws of Wabeek-on-the-Green Condominium (the "By-Laws"):

Wabeek-on-the-Green, a condominium project, located in the Township of Bloomfield, Oakland County, Michigan, shall be administered by an association of co-owners . . . and responsible for the management, maintenance, operation and administration of the common elements, easements, and affairs of the condominium project in accordance with the Master Deed, these By-Laws, the Articles of Incorporation, By-Laws and duly adopted Rules and Regulations of the Association, and the laws of the State of Michigan. . . .

According to Article I, Section 4 of the By-Laws, the affairs of the Association shall be governed by a Board of Directors (the "Board"), which shall have the powers and duties necessary to administer the Association's affairs. The Board shall be responsible for the following, among other things, as indicated in Article I, Section 4(a)(9):

To make rules and regulations in accordance with Article VI, Section 11 of these By-Laws.

Article VI, Section 11 of the By-Laws states, in relevant part, that:

Reasonable regulations consistent with the [Condominium] Act, the Master Deed and these By-Laws, concerning the use of the common elements may be made and amended from time to time by any Board of Directors of the Association Copies of all such regulations and amendments thereto shall be furnished to all co-owners and shall become effective thirty (30) days after mailing or delivery thereof to the designated voting representative of each co-owner.

Article VI, Section 3 of the By-Laws requires that a Co-owner obtain the express written approval of the Board before making an alteration in the exterior appearance of their Unit or apartment, or making a change in the Common Elements, as stated below, in relevant part:

No co-owner shall make alterations in exterior appearance or make structural modifications to his condominium unit . . . or make changes in any of the common elements, limited or general, without the express written approval of the Board of

Directors including (but not by way of limitation) . . . exterior attachments or modifications

The Association notes that the plain language of HEPA does not indicate that it applies to condominium associations; however, the Association will adopt and maintain the written solar energy policy statement required by HEPA for so long as HEPA remains in effect. Therefore, in compliance with MCL 559.309, the Board now adopts the following Solar Energy Policy Statement pursuant to Article VI, Section 11 of the Bylaws.

Solar Energy Policy Statement

Section 1. Conflict Between Condominium Documents and HEPA. According to MCL 559.305 and MCL 559.307, to the extent one or more provisions of the Condominium Documents violate HEPA, those provisions are invalid and unenforceable as contrary to public policy, and HEPA will control.

Section 2. Conflict Between HEPA and Policy Statement. According to MCL 559.309(1)(e), to the extent any provision within this Solar Energy Policy Statement (“Policy Statement”) contradicts HEPA, that provision is void and unenforceable, and the language within HEPA will control.

Section 3. Applicability to Shared Roofs and Common Areas. According to MCL 559.313, HEPA does not apply to any shared roofs or common areas in the Condominium, if any. A “shared roof” is defined as a “roof that serves more than one home or unit, including, but not limited to, a contiguous roof that serves adjacent homes or units.” “Common areas” are defined as portions “of a building, land, or amenities owned or managed by the homeowners’ association that are generally accessible to all members of the association.”

Each building within Wabeek-on-the-Green Condominium (the “Condominium”) has a shared roof. Accordingly, the Board has determined that Co-owners may not install a solar energy system on the roof of any building within the Condominium.

Section 4. Review and Approval of Solar Energy Systems.

A. Definition of Solar Energy System. MCL 559.303(j) defines a “solar energy system” as “a complete assembly, structure, or design of a solar collector, or a solar storage mechanism that uses solar energy for generating electricity or heating or cooling gases, solids, liquids, or other materials. Solar energy system includes the design, materials, or elements of a solar energy system and its maintenance, operation, labor components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system.”

B. Review and Approval Specifications and Requirements.

i. Under Article VI, Section 3 of the Bylaws, a Co-owner desiring to

install a solar energy system is required to obtain the express written approval of the Board. The Co-owner must submit a written application to the Board, which shall include the following information under MCL 559.311:

1. The Co-owner's name.
 2. The Co-owner's street address.
 3. The name and contact information of the person who will install the solar energy system.
 4. An image that shows the layout of the solar energy system on the Co-owner's home.
 5. A description of the solar energy system to be installed.
- ii. The Board may not ask the Co-owner about their energy usage. The Board may not consider the identity of the entity that owns the solar energy system or the financing method chosen by the Co-owner when considering whether to approve their application.
- iii. Any fee that the Association may charge to review the application must be charged at the same rate as other alteration and modification requests.
- iv. When reviewing a Co-owner's application, the Board will consider all the following:
1. Solar energy systems may be installed on a roof face.
 2. No specific technology, such as solar shingles or traditional solar panels, is required to be utilized in the installation of a solar energy system.
 3. The approval of an adjacent Co-owner is not required.
 4. Any standards enforced under this Policy Statement may not result in a reduction in the estimated annual production of electricity by the solar energy system by more than ten percent (10%).
 5. Any standards enforced under this Policy Statement may not increase the total cost of the installation of the solar energy system to the Co-owner by more than \$1,000.00.
 6. No conditions that impair the operation of the solar energy system may be imposed.
 7. No conditions that negatively impact any component industry standard warranty may be imposed.

C. Denying Applications to Install Solar Energy Systems. The Board may deny a written application to install a solar energy system if one or more of the following apply:

- i. A court has found that the installation violates a law.
- ii. The installed solar energy system does not substantially conform to the Co-owner's approved application.
- iii. The Board has determined that the solar energy system will be installed on the roof of the Co-owner's home and:
 - 1. The solar energy system will extend above or beyond the roof of the home by more than six (6") inches;
 - 2. 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; or
 - 3. The solar energy system has a frame, support bracket, or visible conduit or wiring that is not silver, bronze, or black in tone, which are commonly available in the marketplace.
- iv. The Board has determined that both:
 - 1. The solar energy system will be installed in a fenced yard or patio rather than on the roof of a home or unit; and
 - 2. The solar energy system will be taller than the fence line.

D. Deadline to Approve or Deny Application. The Board will either approve or deny the Co-owner's application within thirty (30) days of its receipt. If the Board does not approve or deny the Co-owner's application within thirty (30) days of its receipt, the Co-owner may proceed with the installation of the solar energy system in compliance with HEPA, and the Association may not impose fines or otherwise penalize the Co-owner for complying with HEPA.

Section 5. Resubmission of Solar Energy System Applications. If the Board previously denied a Co-owner's application to install a solar energy system before the enactment of HEPA, the Co-owner may submit another written application to the Board, and it will reconsider the application under HEPA. If the Board denies a Co-owner's application to install a solar energy system that was submitted after the enactment of HEPA, the Co-owner may later resubmit another written application to install a solar energy system.

Section 6. Post-Installation Reporting. After the Co-owner installs a solar energy system, the Association will not require post-installation reporting.

Section 7. Compliance with State and Local Laws. Co-owners will comply with all state and local building codes and permit requirements when installing solar energy systems.

Section 8. Maintenance, Repair, and Replacement. Co-owners who have a solar energy system are responsible for maintaining, repairing, and replacing it so that it remains in good condition and repair. Damage to another Unit or the common elements resulting from a failure of

the Co-owner to adequately maintain, repair, or replace the solar energy system is the Co-owner's responsibility.

Section 9. Removal of Solar Energy Systems. The Association may require the removal of a solar energy system if it is not maintained according to Section 8 above or if one or more of the conditions outlined in Section 4(C) above apply.

Section 10. Distribution and Availability of Policy Statement. This Policy Statement was made available to the Association's members no later than thirty (30) days after its adoption and will be made available to the Co-owners upon request. If the Association maintains an Internet website, this Policy Statement will be posted and maintained on that website.

Section 11. Invalidity or Repeal of HEPA. If HEPA is found to be unenforceable under Michigan law or is repealed, this Policy Statement will automatically be rescinded and no longer in effect.

Section 12. Severability. If any one or more of the provisions in this Policy Statement is, for any reason, held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision of this Policy Statement, and this Policy Statement will be construed as if it never contained any invalid, illegal, or unenforceable provision.

This Solar Energy Policy Statement was adopted by the Board of Wabeek-on-the-Green Association at a Special Meeting on March 17, 2026.

BOARD OF DIRECTORS

Wabeek-on-the-Green Association

A handwritten signature in black ink, appearing to read 'Julie Bockoff', written over a horizontal line.

By: Julie Bockoff
Its: President