Jasonville Farms Homeowners' Association

Solar Energy Policy Statement

Effective as of March 30, 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 terms and conditions.

Article III(N) of the Declaration of Restrictive Covenants, Restrictions and Conditions (the "Declaration") for all Jasonville Farms Subdivisions (Nos. 1 through 9) (the "Subdivisions") states, in relevant part, that "[n]o building, structure or other improvements shall be commenced, erected, or maintained upon the Property, nor shall any exterior addition to or change or alteration be made to any building or structure until the plans and specifications showing the nature, kind, shape, height, materials and location proposed have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures or topography by the Developer." Article III(N) of the Declaration also provides that the Developer may turn over and delegate this authority to an Owner's Committee, and Article VI of the Declaration states that the Owner's Committee will have the authority to enforce the restrictions within the Declaration.

Article V(4) of the Association Bylaws states that "[t]he Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association . . . ." Article II(f) of the Jasonville Farms Homeowners' Association's (the "Association") Articles of Incorporation and Article V(5) of the Association Bylaws permit the Board of Directors (the "Board") to adopt and enforce reasonable regulations concerning the use and enjoyment of the Subdivisions.

The Association intends to 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 II(f) of the Articles of Incorporation and Article V(5) of the Association Bylaws.

Solar Energy Policy Statement

Section 1. **Conflict Between Governing Documents and HEPA.** According to MCL 559.305 and MCL 559.307, to the extent one or more provisions within the Governing 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 Subdivisions, 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." There are no shared roofs in the Subdivisions; however, there are "common areas." "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." "Common areas" include, but are not necessarily limited to, the roadways, entranceways, common recreation facilities, and surrounding landscaping and grass.

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. Owners who wish to install a solar energy system must submit a written application to the Owner's Committee (the "Committee") prior to its installation under Article III(N) of the Declaration. As a reminder, **solar energy systems may not be installed on any common areas** (see Section 3 of this Policy Statement).

ii. The written application must include the following information under MCL 559.311:

1. The Owner's name.

2. The 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 Owner's home.

5. A description of the solar energy system to be installed.

iii. The Committee may not ask the Owner about their energy usage. The Committee may not consider the identity of the entity that owns the solar energy system or the financing method chosen by the Owner when considering whether to approve their application.

iv. Any fee that the Association may charge to review the application must be charged at the same rate as other alteration and modification requests.

v. When reviewing an Owner's application, the Committee 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 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 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 Committee 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 with the Owner's approved application.

iii. The Committee has determined that the solar energy system will be installed on the roof of the 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 that is commonly available in the marketplace.

iv. The Committee 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; and

2. The solar energy system will be taller than the fence line.

D. Deadline to Approve or Deny Application. The Committee will either approve or deny the Owner's application within thirty (30) days of its receipt. If the Committee does not approve or deny the Owner's application within thirty (30) days of its receipt, the 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 Owner for complying with HEPA.

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

Section 6. Post-Installation Reporting. After the Owner's installation of a solar energy system, the Association will not require post-installation reporting.

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

Section 8. Maintenance, Repair, and Replacement. Owners who have a solar energy system are responsible for maintaining, repairing, and replacing the solar energy system so that it remains in good condition and repair.

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

Section 10. **Energy-Saving Improvements.** This Policy Statement does not address energy-saving improvements under MCL 559.305.

Section 11. **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 Owners upon request. If the Association maintains an Internet website, this Policy Statement will be posted and maintained on that website.

Section 12. **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 13. **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 the Jasonville Farms Homeowners' Association via MCL 450.2525 on March 30, 2026.

BOARD OF DIRECTORS

Jasonville Farms Homeowners' Association

Shaya Newquist

By: Shaya Newquist
Its: President