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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1262

02/02/2023 Authored by Hemmingsen-Jaeger, Kraft, Acomb, Hollins, Hornstein and others
The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy
02/16/2023 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to energy; modifying certain utility requirements; prohibiting certain
1.3 restrictions on the use of residential solar energy systems; amending Minnesota
1.4 Statutes 2022, section 216B.164, by adding a subdivision; proposing coding for
1.5 new law in Minnesota Statutes, chapter 500.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 216B.164, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 12. Customer's access to electricity usage data. A utility must provide a
1.10 customer's electricity usage data to the customer within ten days of the date the utility
1.11 receives a request from the customer that is accompanied by evidence that the energy usage
1.12 data is relevant to the interconnection of a qualifying facility on behalf of the customer. For
1.13 the purposes of this subdivision, "electricity usage data" includes but is not limited to: (1)
1.14 the total amount of electricity used by a customer monthly; (2) usage by time period if the
1.15 customer operates under a tariff where costs vary by time-of-use; and (3) usage data that is
1.16 used to calculate a customer's demand charge.

1.17 EFFECTIVE DATE. This section is effective the day following final enactment.

1.18 Sec. 2. [500.216] LIMITS ON CERTAIN RESIDENTIAL SOLAR ENERGY
1.19 SYSTEMS PROHIBITED.

1.20 Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in this
1.21 subdivision have the meanings given.

2.1 (b) "Private entity" means a homeowners association, community association, or other
2.2 association that is subject to a homeowners association document.

2.3 (c) "Homeowners association document" means a document containing the declaration,
2.4 articles of incorporation, bylaws, or rules and regulations of:

2.5 (1) a common interest community, as defined in section 515B.1-103, regardless of
2.6 whether the common interest community is subject to chapter 515B; and

2.7 (2) a residential community that is not a common interest community.

2.8 (d) "Solar energy system" has the meaning given in section 216C.06, subdivision 17.

2.9 Subd. 2. **Applicability.** This section applies to single-family dwellings where the dwelling
2.10 owner owns or has the right to exclusive use of the roof.

2.11 Subd. 3. **General rule.** Except as otherwise provided in this section and notwithstanding
2.12 any covenant, restriction, or condition contained in a deed, security instrument, homeowners
2.13 association document, or any other instrument affecting the transfer, sale of, or an interest
2.14 in real property, a private entity must not prohibit or refuse to permit the owner of a
2.15 single-family dwelling to install, maintain, or use a roof-mounted solar energy system.

2.16 Subd. 4. **Allowable conditions.** (a) This section does not prohibit a private entity from
2.17 requiring that:

2.18 (1) a licensed contractor install a solar energy system;

2.19 (2) a roof-mounted solar energy system not extend above the peak of a pitched roof or
2.20 beyond the edge of the roof;

2.21 (3) the owner or installer of a solar energy system indemnify or reimburse the private
2.22 entity or the private entity's members for loss or damage caused by the installation,
2.23 maintenance, use, repair, or removal of a solar energy system;

2.24 (4) the owner and each successive owner of a solar energy system list the private entity
2.25 as a certificate holder on the homeowner's insurance policy; or

2.26 (5) the owner and each successive owner of a solar energy system be responsible for
2.27 removing the system if reasonably necessary to repair, perform maintenance, or replace
2.28 common elements or limited common elements, as defined in section 515B.1-103.

2.29 (b) A private entity may impose other reasonable restrictions on installing, maintaining,
2.30 or using solar energy systems, provided that the restrictions do not (1) decrease the solar
2.31 energy system's projected energy generation by more than ten percent; or (2) increase the
2.32 solar energy system's cost by more than (i) 20 percent for a solar water heater, or (ii) \$1,000

3.1 for a solar photovoltaic system, when compared with the solar energy system's energy
3.2 generation and the cost of labor and materials as originally proposed without the restrictions,
3.3 as certified by the solar energy system's designer or installer. A private entity may obtain
3.4 an alternative bid and design from a solar energy system designer or installer for the purposes
3.5 of this paragraph.

3.6 (c) A solar energy system must meet applicable standards and requirements imposed by
3.7 the state and by governmental units, as defined in section 462.384.

3.8 (d) A solar energy system for heating water must be certified by the Solar Rating
3.9 Certification Corporation or an equivalent certification agency. A solar energy system for
3.10 producing electricity must meet (1) all applicable safety and performance standards
3.11 established by the National Electrical Code, the Institute of Electrical and Electronics
3.12 Engineers, and accredited testing laboratories, including but not limited to Underwriters
3.13 Laboratories; and (2) where applicable, rules of the Public Utilities Commission regarding
3.14 safety and reliability.

3.15 (e) If approval by a private entity is required prior to installing or using a solar energy
3.16 system, the application for approval (1) must be processed and approved in the same manner
3.17 as an application for approval of an architectural modification to the property, and (2) must
3.18 not be willfully avoided or delayed.

3.19 (f) An application for approval must be made in writing and must contain certification
3.20 that the applicant must meet any conditions required by a private entity under subdivision
3.21 4. An application must include a copy of the interconnection application submitted to the
3.22 applicable electric utility.

3.23 (g) A private entity must approve or deny an application in writing. If an application is
3.24 not denied in writing within 60 days of the date the application was received, the application
3.25 is deemed approved unless the delay is the result of a reasonable request for additional
3.26 information. If a private entity receives an incomplete application that the private entity
3.27 determines prevents a decision to approve or disapprove the application, a new 60-day limit
3.28 begins only if the private entity sends, within 15 business days of the date the private entity
3.29 receives the incomplete application, a written notice to the applicant informing the applicant
3.30 what additional information is required.